

2006

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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Issue	Rules Due Date	Date of Issue
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006
9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006
25	June 12, 2006	June 23, 2006
26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006

39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 26, 2006
52	December 18, 2006	December 29, 2006

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Employer Training Investment Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2650.20	Amendment
2650.40	Amendment
- 4) Statutory Authority: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95].
- 5) A Complete Description of the Subjects and Issues Involved: Amending the aforementioned Sections will allow us to fulfill the purpose of the program, which is to enhance employment opportunities for Illinois citizens. The changes will expand the parameters of the program to help minorities train in the film industry in anticipation of job opportunities created by an extension of the Illinois Film Production Tax Credit. In addition, they will afford us the opportunity to assist start-up bioscience companies in Illinois who often rely heavily on graduate students to work in their companies—providing high quality labor for small companies and an excellent work experience for Illinois' college students.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: A study was prepared in April 2006 for Biotechnology Industry Organization (BIO) by the State Science & Technology Institute and Battelle Technology Practice Partnership Studies to report on the state of the bioscience industry. The report compiled data from various sources including the US Department of Labor, Bureau of Labor Statistics. It shows that on average, these jobs are among the highest paid, and a large number of tomorrow's jobs will come from the health/life sciences. It is critical to ensure that Illinois workers' skills are in pace with new technologies and business practices. These training funds will better equip existing employees and graduate students with the skills needed for advanced careers in the life sciences and provide an important source of human capital to help foster growth of biotechnology companies across the State.
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701
- Phone: 217/557-1820
Fax: 217-782-0038
e-mail: jolene.clarke@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: These rules apply to both small and large company components of the ETIP program.
- B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration and reporting of approved grants.
- C) Types of professional skills necessary for compliance: Grantees would already possess the skills necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes.

The full text of the Proposed Amendments is identical to the Emergency Amendments found later in this issue of the Illinois Register on page 14593.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 3100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3100.30	Amended
3100.50	Amended
3100.ILLUSTRATION A	Amended
3100.ILLUSTRATION B	Amended
3100.ILLUSTRATION C	Amended
3100.ILLUSTRATION D	Amended
3100.ILLUSTRATION E	Amended
3100.ILLUSTRATION F	Amended
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments reflect the Council's new mailing address.
- 6) Published studies or reports and series of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

H. Patrick Ericksen
Drycleaner Environmental Response Trust Fund Council of Illinois
P.O. Box 480
Bensenville IL 60106-0480

630/741-0022

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 3100
PUBLIC INFORMATION

Section

3100.10	Introduction
3100.20	Definitions
3100.30	Procedures for Requesting Public Records
3100.40	Procedures for Council Response to Requests for Public Records
3100.50	Procedures for Appeal of a Denial
3100.60	Procedures for Providing Public Records to Requesters
3100.APPENDIX A	Fee Schedule for Duplication of Public Records
3100.APPENDIX B	Public Records Requests
3100.ILLUSTRATION A	Request for Public Records
3100.ILLUSTRATION B	Approval of Request for Public Records
3100.ILLUSTRATION C	Partial Approval of Request
3100.ILLUSTRATION D	Extension of Time for Disclosure
3100.ILLUSTRATION E	Denial of Request
3100.ILLUSTRATION F	Chairperson's Response to Appeal

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 20(a) of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 325, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10183, effective June 26, 2000; amended at 30 Ill. Reg. _____, effective _____.

Section 3100.30 Procedures for Requesting Public Records

- a) Person to Whom Requests are Submitted
Requests for inspection or copying of public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Administrator

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 4807380
Bensenville, Illinois 60106

- b) Form and Content of Requests
- 1) Requests must be made in accordance with FOIA. Requests may be submitted on FOIA request forms available from the Council.
 - 2) The requester shall provide the following information in a request for inspection or copying of public records:
 - A) The requester's full name, address and telephone number;
 - B) A brief description of the public records sought, being as specific as possible;
 - C) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3100.50 Procedures for Appeal of a Denial

- a) Appeal of a Denial
- 1) A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairperson of the Council. The notice of appeal shall be filed in writing within 14 working days after receipt of the denial and sent to:

Chairperson
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 4807380
Bensenville, Illinois 60106
 - 2) The notice of appeal shall include a copy of the original request, a copy of

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

the denial received by the requester, and a statement of the reasons why the appeal should be granted.

- b) Chairperson's Response to Appeal
The Chairperson shall respond to an appeal within 7 working days after receiving notice. The Chairperson shall either affirm the denial or provide access to the requested public records.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION A Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box ~~4807380~~
Bensenville, IL 60106

TO: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

FROM: _____
Name

Address

Telephone Number

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

- Inspection Copy Both

Do you wish to have copies certified? _____

FOR OFFICE USE ONLY

Date Received

Date Response Due

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Notations re: Oral Communications or Other Items

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION B Approval of Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box [4807380](#)
Bensenville, Illinois 60106

APPROVAL OF REQUEST FOR PUBLIC RECORDS

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box [4807380](#)
Bensenville, Illinois 60106

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been approved.

- The documents you requested are enclosed.
- The documents will be made available upon payment of the copying costs in the amount of _____ .
- You may inspect the records at _____ on _____ .

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Date

FOIA Officer

Date

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION C Partial Approval of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box [4807380](#)
Bensenville, Illinois 60106

PARTIAL APPROVAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box [4807380](#)
Bensenville, Illinois 60106

Pursuant to your written request of _____, enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the Freedom of Information Act, certain material originally contained in these records has been deleted because the material is exempt material under Section 7 of the Act.

FOIA Officer

Date

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION D Extension of Time for Disclosure

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box ~~4807380~~
Bensenville, IL 60106

EXTENSION OF TIME FOR DISCLOSURE

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

We have been unable to fill you recent request for inspection or copying of public records of _____ for the reasons checked below:
Date

- The requested records are stored in another location.
- The request requires the collection of a large number of records.
- The request is categorical in nature and requires an extensive search. We have failed to locate the requested records in our initial attempt and the search is continuing.
- The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act.
- It would unduly burden or interfere with the operations of the Council to fill the request within the initial 7 working days.
- There is a need for consultation with another public body that has a substantial interest in the determination or in the subject matter of the request.

The records you have requested will be available to you by _____ (a date within 14 working days after receipt of the request) or we will make a decision denying your request by that date.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

FOIA Officer

Date

|
(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION E Denial of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box ~~4807380~~
Bensenville, IL 60106

DENIAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box ~~4807380~~
Bensenville, Illinois 60106

You are hereby notified that your request for the disclosure of:

is hereby denied and the reason for the denial is as follows:

(reason for denial, stating the basis in FOIA)

The person or persons making this decision to deny and their title or titles are set forth below:

Name _____ Official Title _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

You are hereby further notified that you have the right to appeal this decision to the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois who, under the Illinois Freedom of Information Act, will make a decision either to affirm the denial of disclosure or to allow disclosure within 7 working days after you file a notice of appeal. Such letter or request should be filed within 14 days after your receipt of this letter. If the decision to deny your request for disclosure was made by the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois, you have the right to appeal the decision of the Chairperson to the Circuit Court for the county where the Council has its principal office or where you reside, under Section 11 of the Freedom of Information Act.

FOIA Officer

Date

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION F Chairperson's Response to Appeal

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

P.O. Box [4807380](#)
Bensenville, IL 60106

CHAIRPERSON'S RESPONSE TO APPEAL

TO: _____
Name

Address

Telephone Number

FROM: Chairperson
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box [4807380](#)
Bensenville, IL 60106

DESCRIPTION OF REQUESTED RECORDS:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

- I hereby approve your appeal to the following extent and for the following reasons:
- I affirm the denial of your request made by the Freedom of Information Officer.

You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Chairperson

Date

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1500.30	Amend
1500.40	Amend
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments increase the license fees for all licensing categories and increase the remedial program remedial action cost deductible.
- 6) Published studies or reports and series of underlining data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? None
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois
P.O. Box 480
Bensenville, IL 60106-0480

630/741-0022

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Drycleaning operators that are small businesses will be affected by the amended licensing categories. They may also voluntarily participate in the remedial program. The increased remedial benefit deductible will also impact small drycleaning operators. Small municipalities and not for profit corporations are not affected by this Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Small business drycleaner operators must maintain a log of their annual purchases of drycleaning solvent by calendar year. This is used to determine their license fee. To voluntarily participate in the remedial program, small business drycleaner operators will be required to maintain the appropriate records to show that they are in compliance with federal and State regulatory requirements for handling and using drycleaning solvents.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section

1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. _____, effective _____.

Section 1500.30 Drycleaning Facility License

- a) *On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)*
- b) *The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal*

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
- 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
- 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
- 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
- 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
- 6) License fees are non-refundable.
- 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

c) *On or after January 1, ~~2007~~2004, the required annual fee for a license is as follows:*

- 1) ~~\$1,500~~*\$500 for a facility that uses:*
 - A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*
 - B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.*
(Section 60(c)(1) of the Act)

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- 2) ~~\$2,250~~~~\$1,000~~ for a facility that uses:
- A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(2) of the Act)*
- 3) ~~\$3,000~~~~\$1,500~~ for a facility that uses:
- A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(3) of the Act)*
- 4) ~~\$3,750~~~~\$2,000~~ for a facility that uses:
- A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(4) of the Act)*

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- 5) ~~\$4,500~~~~\$2,500~~ for a facility that uses:
- A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(5) of the Act)*
- 6) ~~\$5,000~~~~\$3,000~~ for a facility that uses:
- A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(6) of the Act)*
- 7) ~~\$5,000~~~~\$3,000~~ for a facility that uses:
- A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)*

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- 8) ~~\$5,000~~~~\$4,000~~ for a facility that uses:
- A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)*
- 9) ~~\$5,000~~~~\$4,500~~ for a facility that uses:
- A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)*
- 10) ~~\$5,000~~~~\$4,500~~ for a facility that uses:
- A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the*

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11) ~~\$5,000~~\$4,500 for a facility that uses:

- A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)*

12) ~~\$5,000~~\$4,500 for a facility that uses:

- A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(12) of the Act)*

13) ~~\$5,000~~\$4,500 for a facility that uses:

- A) *more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

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- C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)*
- 14) ~~\$5,000~~*\$4,500* for a facility that uses:
- A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)*
- B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)*
- C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)*
- 15) ~~\$5,000~~*\$4,500* for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)
- 16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:
- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
- B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.
- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
- D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.
- d) *For purposes of this Section, the quantity of drycleaning solvents used annually*

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shall be determined as follows:

- 1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or*
- 2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act) If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.*
- 3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:
 - A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.
 - B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.
- 4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and

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multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.

- e) *The Council may adjust licensing fees annually based on the change in the published Consumer Price Index – All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)*
- f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*
- 1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*
 - 2) *submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)*
- g) *An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due may be assessed a penalty of \$5 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act) Penalties totaling \$1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:*
- 1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;
 - 2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or

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- 3) Other reasonable factors.
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1500.40 Drycleaner Remedial Account

The Council shall have the authority *to provide reimbursement to eligible claimants for remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility.* (Section 40(a) of the Act)

- a) *The following claimants are eligible for reimbursement from the remedial action account:*
 - 1) *The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility.*
 - 2) *The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits.* (Section 40(b) of the Act)
- b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:
 - 1) *The source of the release is from the claimant's drycleaning facility.*

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(Section 40(c)(1) of the Act)

- 2) *At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements.* (Section 40(c)(2) of the Act)
- 3) *The claimant reported the release in a timely manner to the Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100].* (Section 40(c)(3) of the Act)
- 4) *The claimant has not filed for bankruptcy on or after the date of the discovery of the release.* (Section 40(c)(4) of the Act)
- 5) *The release must have been discovered on or after July 1, 1997 and before July 1, 2006.* (Section 40(c)(7) of the Act)
- 6) *The claimant must submit a completed application form as provided by the Council (see Section 1500.70(c)) by June 30, 2005.* (Section 40(d) of the Act)
- 7) *If the claim is for reimbursement of remedial action expenses at an active drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this subsection (b)(7). To conform with this requirement, the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures:* (Section 40(c)(5) and (6) of the Act)
 - A) *Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill.*

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Adm. Code 722. (Section 40(c)(5)(A) of the Act)

- B) *A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater. (Section 40(c)(5)(B) of the Act)*
- C) *Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.*
- D) *Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item. (Section 40(c)(5)(C)(I))*
- E) *Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment. (Section 40(c)(5)(C)(I) of the Act)*
- F) *Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR*

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280 (1998) for the tanks and related piping systems and use a leak detection system approved by USEPA or the Agency are exempt from this secondary containment requirement. (Section 40(c)(5)(C)(I) of the Act)

- G) All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)
- H) Chlorine-based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems. (Section 40(c)(5)(D) of the Act)
- I) All petroleum based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.
- c) Subject to Fund limitations, eligibility requirements, prioritization and reimbursement limitations, the Council may reimburse up to but not to exceed \$300,000 per active drycleaning facility and \$50,000 per inactive drycleaning facility. (Section 40(f)(1) of the Act)
- d) An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first ~~\$15,000~~~~\$10,000~~ of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(1) of the Act)
- e) An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for

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the first ~~\$15,000~~^{\$10,000} of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility if the focused site investigation is completed and accepted by the Agency and a remedial action plan has been prepared and submitted to the Agency by January 1, 2008, and is only eligible for reimbursement for costs that exceed those amounts subject to any other limitations of the Act. (Section 40(e)(2) of the Act)

- f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:
- 1) For remedial action activities that occurred on or after July 1, 1999, only those costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
 - 2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.
 - 3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
 - 4) *A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)*

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- 5) *The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)*
- 6) *If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council. (Section 40(f)(9) of the Act)*
- 7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.
- 8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 9) *Cost recovery; enforcement.*
 - A) *The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)*

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- B) *Except as provided in subsections (f)(9)(C) and (D):*
- i) *The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)*
 - ii) *A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)*
- C) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the Environmental Protection Act [415 ILCS 5] and its rules or with the Act and its rules. (Section 50(c) of the Act)*
- D) *Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement. (Section 50(d) of the Act)*
- E) *Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)*
- F) *This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section*

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22.2 of the Environmental Protection Act [415 ILCS 5/22.2].
(Section 50(f) of the Act)

- 10) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will directly pay to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Fund a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:
 - A) it is rescinded in writing by the claimant; or
 - B) the Fund has reimbursed the maximum benefit allowed; or
 - C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.
- 11) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:
 - A) the Fund has reimbursed the maximum benefit allowed; or
 - B) the claim is no longer eligible for benefits from the Fund; or
 - C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.
- g) Prioritization based upon Fund limitations.
 - 1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that

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would restrict the availability of monies for higher priority sites. *The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:*

- A) *The degree to which human health is affected by the exposure posed by the release (Section 25(c)(1) of the Act);*
- B) *The reduction of risk to human health derived from remedial action compared to the cost of the remedial action (Section 25(c)(2) of the Act);*
- C) *The present and planned uses of the impacted property (Section 25(c)(3) of the Act).*

- 2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule. The Council may designate cash reserves to pay for focused site investigations performed through June 30, 2006 and to pay for unknown remediation costs associated with claims that have been prioritized. The initial claim prioritization will include all eligible claims as of the prioritization date set by the Council. Subsequent claim prioritizations will include all eligible claims as of the prioritization date set by the Council, excluding all claims that have previously been prioritized. All claims in the initial prioritization must be funded before conducting subsequent prioritizations. This funding methodology will apply to all subsequent prioritizations.
- 3) The prioritization schedule is as follows:
 - A) First priority will be the abatement of emergency conditions that present an immediate threat to human health and safety, such as explosive vapors in basements or utility conduits and migration of free products into the water supply line or to the off site property.
 - B) Second priority will be the drycleaning facilities located in a township without a groundwater ordinance and when the drycleaning solvent contamination of soil and groundwater of such

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facilities is likely to cause an immediate adverse effect on human health by contaminating potable water resources.

- C) Third priority will be the drycleaning facilities with drycleaning solvent contaminants of soil and groundwater where migration of these contaminants to neighboring properties seems imminent or immediate, which can result in more costly and complicated remediations in the future.
- D) Fourth priority will be drycleaning facilities at which soil and/or groundwater contamination is at concentration higher than soil saturation limits of drycleaning solvents, according to TACO regulations of the Agency. Active remediation is required to address free product drycleaning solvent contamination.
- E) Fifth priority will be the drycleaning facilities in which soil and/or groundwater contamination is higher than the TACO Tier II level but less than the TACO soil saturation limit. Active remediation may be required or a No Further Remediation letter may be achieved through installation of an engineering barrier and/or through the use of institutional controls.
- F) When the Council determines it necessary to prioritize the claims, each individual claim will be ranked using the following numerical ranking system:

$$\text{Ranking Score} = (S1 \times 20) + (S2 \times 10) + (S3 \times 8) \\ + (S4 \times 6) + (S5 \times 4) + (S6 \times 2)$$

Where:

- S1 = Emergency condition
S2 = Potable water resources contamination
S3 = Migration of contaminants through groundwater or through soil/rock fractures to the neighboring properties
S4 = Facilities with free product solvents

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COUNCIL OF ILLINOIS

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- S5 = Facilities with higher than the TACO Tier II level of solvent contamination
- S6 = Facilities with less than the TACO Tier II level of solvent contamination

i) Emergency condition (S1)

Toxic fumes or explosion possibility, i.e., free product migration, etc.

Points: 5

ii) Potable water resources contamination (S2)

Imminent or immediate risk to public water resources such as public wells, rivers, and surface water reservoirs and lakes

Distance	Points
Within 500 feet	5
Within ¼ mile	4
Within ½ mile	3
Within 1 mile	2
Within 1½ miles	1

iii) Migration of contaminants with groundwater or through soil/rock fractures to the neighboring properties (S3)

Time period for the migration of contaminants to the neighboring property given seepage velocity of groundwater and size and location of contamination plume

Time	Points
Within 6 months	5
Within 1 year	4
Within 1½ years	3

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Within 2 years	2
Within 2½ years	1

iv) Facilities with free product solvents (S4)

The soil at the facility is contaminated with drycleaning solvent higher than TACO soil saturation limits (i.e., PCE > 240 ppm and TCE > 1300 ppm) and/or free product was discovered in on-site wells

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

v) Facilities with higher than the TACO Tier II level of solvent contamination (S5)

Facilities with higher than the TACO Tier II level of solvent contamination but less than soil saturation limits

Groundwater Ordinance	Points
Rejected or not available	5
Only approved by the township	4
Approved by the Agency and township	3

vi) Facilities with less than the TACO Tier II level of solvent contamination (S6)

Facilities with higher than the TACO Tier I level but less than Tier II level of solvent contamination (i.e., Tier I for PCE & TCE ≥ 300 ppb for Class I and 60 ppb for Class II)

Groundwater Ordinance	Points
Rejected or not available	5

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Only approved by the township	4
Approved by the Agency and township	3

- G) The highest ranked claims will receive priority funding, subject to an analysis of the claimant's ability to pay for remediation costs that are anticipated to exceed the Fund's maximum benefit cap.
- 4) Ability to Pay Remediation Costs
- A) The final step in the prioritization process is to analyze each claimant's ability to pay for remedial action costs that are anticipated to exceed the Fund's maximum benefit cap for the facility. This analysis will be done at the completion of the remedial action plan or, in the case of substantial soil and groundwater contamination, at the completion of the focused site investigation.
- B) If it is apparent that the cost of remedial action will exceed the benefits available to an eligible drycleaning facility, the Administrator will contact the claimant and ask that the claimant respond in writing as to whether it has the financial resources and is willing to expend those resources to remediate the facility.
- C) If the claimant states that it chooses to remediate the facility, the following mechanisms would be deemed acceptable in order to ensure that the claimant has the necessary resources to complete the remedial action once the Fund's maximum benefits have been expended:
- i) Escrow 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap. Cash or cash equivalents, such as a certificate of deposit, marketable bonds, etc., would be acceptable for escrow; or
 - ii) A letter of credit from a federally insured financial institution for 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap; or

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- iii) Personal or corporate guarantees for 100% of the estimated cleanup costs that will exceed the Fund's remedial benefit cap. The guarantees would need to be collateralized by liquid assets.
- D) Any eligible claimant who determines that it has neither the financial resources nor the desire to spend its resources on remediation of the facility will be moved to a new and separate prioritization pool. Funding for these claims will only be made available once the cleanups have been completed on all of the other eligible claims that do not exercise these funding limitations.
- 5) Once a claim has been prioritized, it cannot be removed from the prioritized listing unless the claim becomes ineligible for benefits from the Fund or the claimant refuses to remediate the facility in a timely manner.
- 6) If the claimant does not obtain and submit to the Council cost proposals for beginning the remedial action process within 120 days after being notified that his/her remedial claim has been prioritized for funding, the claim will be removed from the prioritization list and the next highest ranked claim will be added to the list. Any claim removed from the prioritization list due to non-timely remedial action by the claimant will be included in the next prioritization pool.
- h) Remedial claim benefits for a specific drycleaning facility can be transferred to a successor drycleaning facility operator or owner upon execution of a remedial benefits transfer form prescribed by the Council and signed by the original claimant and the successor claimant and approved by the Council.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER a: ADMINISTRATIVE RULES

PART 1100

DEPARTMENT RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS

Section

1100.560 Tax Default; Repayment

AUTHORITY: Implementing Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 1100.560 Tax Default; Repayment

- a) Upon notice from the Illinois Department of Revenue that a person has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, the Division of Professional Regulation (DFPR-DPR) shall:
 - 1) issue an Order refusing to renew the license of the person; or
 - 2) issue an Order denying the application for licensure of the person; or
 - 3) issue an Order suspending the license of the person.
- b) DFPR-DPR may take any of the actions set forth in subsection (a) upon notification from the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the following:
 - 1) the amount of any unpaid tax liability; and/or
 - 2) the years for which a return was not filed.
- c) Notification received from the Department of Revenue including items set forth in subsection (b) shall be considered prima facie evidence of a licensee's or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

applicant's failure to comply with any of the tax laws administered by the Illinois Department of Revenue.

- d) DFPR-DPR, pursuant to 20 ILCS 2105/2105-15(g), shall not be required to hold a hearing prior to or following taking any of the actions set forth in subsection (a).
- e) DFPR-DPR shall forward Notice of any Order entered pursuant to this Section to the licensee or applicant by mailing a copy of its Order via certified and regular mail to the person's last known address as registered with the Division. The Notice shall include the following information:
 - that the suspension shall be stayed for a period of 60 days from the date of the Order and the stay shall not be extended unless the licensee or applicant files a request for a hearing with the Division in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110) to dispute the matters contained in the Order.
- f) An Order immediately suspending a license per 68 Ill. Adm. Code 1110.260 shall be immediately stayed for a period of 60 days. After the expiration of the 60 day period, DFPR-DPR may change the license status to Suspended.
- g) DFPR-DPR shall restore or renew the license of a licensee that was suspended or refused renewal, or issue the license of an applicant that was denied issuance pursuant to this Section, if the licensee or applicant has provided proof of a satisfactory repayment record with the Illinois Department of Revenue and if all other requirements of the Act and rules governing the profession for which the license was issued or sought have been met.
- h) "Satisfactory Repayment Record" as used in this Section and in 20 ILCS 2105/2105-15(g) shall mean submission of the following by the Illinois Department of Revenue to DFPR-DPR:
 - 1) documentation from the Illinois Department of Revenue that the applicant or licensee who has been denied license issuance or renewal or whose license has been suspended based upon 20 ILCS 2105/2105-15(g) has paid in full the final assessment of any tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue; or
 - 2) documentation from the Illinois Department of Revenue that the applicant or licensee who has been denied license issuance or renewal or whose

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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license has been suspended based upon 20 ILCS 2105/2105-15(g) has entered into and is in compliance with a payment plan that has been accepted by the Illinois Department of Revenue.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Hospital Basic Services Preservation Code
- 2) Code Citation: 77 Ill. Adm. Code 1270
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1270.100	New Section
1270.200	New Section
1270.300	New Section
1270.400	New Section
1270.500	New Section
1270.600	New Section
- 4) Statutory Authority: Hospital Basic Services Preservation Act [20 ILCS 4050]
- 5) A Complete Description of the Subjects and Issues: This Part implements the Hospital Basic Services Preservation Act (the Act) [20 ILCS 4050]. The Act created, in the State Treasury, the Hospital Basic Services Preservation Fund, which is administered by the State Treasurer to collateralize loans from financial institutions for capital projects necessary to maintain certain basic services required for the efficient and effective operation of essential community hospital providers who otherwise may not be able to meet financial institution credit standards for issuance of a standard loan. (Section 10 of the Act)

The Fund consists of all public and private moneys donated or transferred to the Fund for the purpose of enabling essential community hospitals to continue to provide basic quality health care services that are subject to and meet standards of need under the Health Facilities Planning Act. (Section 10 of the Act)

The proposed rules include a statement of purpose; definitions; referenced materials; application requirements; and need assessment criteria.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

HEALTH FACILITIES PLANNING BOARD

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Illinois Health Facilities Planning Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us

In addition, HFPB will conduct a public hearing, tentatively scheduled for September 13, 2006

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: Application procedures are set forth in the proposed rules.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not apparent when the two most recent regulatory agendas were published.

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

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULESPART 1270
HOSPITAL BASIC SERVICES PRESERVATION CODE

Section

1270.100	Purpose
1270.200	Definitions
1270.300	Referenced Materials
1270.400	Application for Basic Services Loan
1270.500	Hospital Basic Services Preservation – Need Assessment Process
1270.600	Hospital Basic Services Preservation – Need Assessment Criteria

AUTHORITY: Implementing and authorized by the Hospital Basic Services Preservation Act [20 ILCS 4050].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 1270.100 Purpose

- a) This Part implements the Hospital Basic Services Preservation Act (the Act) [20 ILCS 4050]. The Act *created, in the State treasury, the Hospital Basic Services Preservation Fund, which is administered by the State Treasurer to collateralize loans from financial institutions for capital projects necessary to maintain certain basic services required for the efficient and effective operation of essential community hospital providers who otherwise may not be able to meet financial institution credit standards for issuance of a standard commercial loan.* (Section 10 of the Act)
- b) *The Fund consists of all public and private moneys donated or transferred to the Fund for the purpose of enabling essential community hospitals to continue to provide basic quality health care services that are subject to and meet standards of need under the Health Facilities Planning Act.* (Section 10 of the Act)

Section 1270.200 Definitions

"Act" means the Hospital Basic Services Preservation Act [20 ILCS 4050].

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"Adverse Action" means a disciplinary action taken or formal complaint issued by HFPPB, Illinois Department of Public Health (IDPH), Centers for Medicare and Medicaid Services, or any other State or federal agency against a person or entity that owns and/or operates a licensed or Medicare or Medicaid certified healthcare facility in the State of Illinois. Such actions include, but are not limited to, all type "A" violations.

"Basic services" means emergency room and obstetrical services provided within a hospital. "Basic services" is limited to the emergency and obstetric units and services provided by those units. (Section 5 of the Act)

"Eligible expenses" means expenses for expanding obstetrical or emergency units, updating equipment, repairing essential equipment, and purchasing new equipment that will increase the quality of basic services provided. "Eligible expenses" does not include expenses related to cosmetic upgrades, staff expansion or salary, or structural expansion of any unit or department of a hospital. (Section 5 of the Act)

"Essential community hospital provider" means a facility meeting criteria established by rule by the State Treasurer. (Section 5 of the Act)

"Fund" means the Hospital Basic Services Preservation Fund established in Section 10 of the Act.

"HFPPB" means the Illinois Health Facilities Planning Board.

"Licensee" means the entity to which a hospital license is granted by the Illinois Department of Public Health.

"Review Board" means the Hospital Basic Services Review Board established in Section 7 of the Act.

Section 1270.300 Referenced Materials

The following materials are referenced in this Part:

- a) State Statutes

Health Facilities Planning Act [20 ILCS 3960]

HEALTH FACILITIES PLANNING BOARD

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b) State Administrative Rules

Health Facilities Planning Board: Narrative and Planning Policies (77 Ill. Adm. Code 1100)

Section 1270.400 Application for Basic Services Loan

- a) *Essential community hospitals seeking collateralization of loans under the Act must apply to the Illinois Health Facilities Planning Board on a form prescribed by the Illinois Health Facilities Planning Board.* (Section 15 of the Act)
- b) The application shall be completed in accordance with the requirements of this Part that are applicable to the individual project.
- c) An application shall be determined to be complete or incomplete within 10 working days after receipt. An application shall be deemed complete if all of the following have been met:
 - 1) All applicable information has been provided;
 - 2) Three copies of the application or one digital copy, plus one copy containing original signatures, have been submitted;
 - 3) All persons who are applicants have been identified and have submitted a Certificate of Good Standing or evidence from the Illinois Secretary of State that the persons are authorized to conduct business in Illinois; and
 - 4) All questionnaires for information or data, such as, but not limited to, 77 Ill. Adm. Code 1100.60 (Mandatory Reporting of Data) and 1100.70 (Data Appendices) of the HFPB's rules titled Narrative and Planning Policies have been submitted in accordance with the prescribed rules.
- d) An application shall be incomplete if any of the elements described in subsection (c) are not present or if additional information or documentation is required to clarify a response.
- e) If the application is deemed complete, the date of completion shall initiate the review period. If the application is deemed incomplete, the applicant shall be allowed 60 days from the date of receipt of the notification to provide all necessary information to complete the application. Upon receipt of all additional

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

information requested, the application shall again be reviewed, and determination be made for completeness, within 10 working days. If the application remains incomplete at the end of the allotted response period, the application shall be declared null and void.

- f) All applications shall be reviewed by staff within 45 days after the date the application is declared complete, unless the review period is formally extended. HFPB shall consider the application at its first meeting subsequent to staff review.

AGENCY NOTE: HFPB approval of an application does not affect the determination of eligibility and financial approvals to be made by the Office of the State Treasurer. Further, HFPB approval of an application does not eliminate the filing of a separate application for a Certificate of Need permit, where required.

Section 1270.500 Hospital Basic Services Preservation – Need Assessment Process

- a) All applications will be reviewed and evaluated for conformance with the applicable review criteria of this Part.
- b) Each application will be reviewed and considered on an individual basis.
- c) Applications shall be subject to the need figures set forth in the most recent Inventory of Health Care Facilities and Services and Need Determinations (refer to 77 Ill. Adm. Code 1100.70) in effect prior to the date that HFPB takes action on the application.
- d) HFPB shall consider the application and any supplemental information or modification submitted by the applicant, staff reports, and other information coming before it in making its determination whether to approve the project.
- e) HFPB action consists of the approval, denial, or deferral of consideration of an application.
- f) Within 30 days following HFPB review and action, HFPB shall forward to the Review Board a copy of the application, a record of HFPB's decision, a copy of HFPB's meeting minutes relating to the application, and all other documentation submitted by the applicant.

Section 1270.600 Hospital Basic Services Preservation – Need Assessment Criteria

HEALTH FACILITIES PLANNING BOARD

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- a) Narrative Description
The applicant shall provide:
- 1) An explanation describing how the proposed expenses are eligible expenses;
 - 2) A full description of the proposed project, including supporting information for equipment replacement and facility renovation;
 - 3) Documentation of the estimated total cost of the proposed project and itemization of all components of the project included in the estimated costs and sources of cost estimates; and
 - 4) The projected completion date for the project, including allocation of time for all regulatory inspections, if required to confirm applicable code compliance.
- b) Justification of Need for the Project
The applicant shall describe:
- 1) The conditions being upgraded. For equipment being replaced, include age, condition, repair and maintenance records, and/or regulatory citations. For facility projects, include statements of age and condition and any regulatory citations;
 - 2) How the proposed project will contribute to the provision of health care for the community;
 - 3) How the proposed project will improve the provision of health care by the applicant facility;
 - 4) How the proposed project will improve the quality and provision of the basic services provided; and
 - 5) Any additional relevant information.
- c) Background of the Applicant
HFPPB will consider the background of the applicant, including: the legal identity of the applicant, licensee, and building owner; community and patients served; and adverse actions.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
150.540	Amendment
150.565	Amendment
150.680	Amendment
- 4) Statutory Authority: 20 ILCS 2610/13 and 2610/14
- 5) A Complete Description of the Subjects and Issues Involved:

Section 150.540 – This change will increase the amount of time the Board has to decide on hearing a Petition for Review.

Section 150.565 – This change will increase the amount of time the Board has to decide on hearing a Petition for Review.

Section 150.680 – This change will increase the amount of time the Board has to review hearing material and make a decision in the matter.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date: No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rule making: Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

Mr. James E. Seiber, Executive Director

DEPARTMENT OF STATE POLICE MERIT BOARD

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Department of State Police Merit Board
3180 Adloff Lane, Suite 100
Springfield, Illinois 62703

217/786-6240

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the two most recent regulatory agendas because: the Board has just recently voted on the change.

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section

150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section

150.210 Qualifications

150.220 Selection Procedures

150.230 Recertification

150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section

150.310 Ranks

150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section

150.410 Board Responsibilities

150.420 Eligibility

150.430 Procedures

150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section

150.510 Merit Board Jurisdiction

150.520 Discipline Afforded the Deputy Director

150.530 Notification to Suspended Officer

DEPARTMENT OF STATE POLICE MERIT BOARD

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150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers
150.APPENDIX A	Vision Standards (Repealed)
150.APPENDIX B	Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART E: DISCIPLINARY ACTION

Section 150.540 Petition for Review

Any sworn ~~officer~~officers so suspended shall have ~~ten~~(10) days after notice of suspension is received to petition the Board in writing, as set forth in Section 150.550, to review the suspension. A copy of the Petition shall be forwarded to the Director of the Department of State Police who shall then have ~~ten~~(10) days from the date of receipt to respond to the Board on the Petition. The Board shall, no later than ~~90~~thirty(30) days after the date of the request for review, set the written petition for hearing before the Board upon not less than ~~ten~~(10) days notice or, by

DEPARTMENT OF STATE POLICE MERIT BOARD

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unanimous decision, dismiss the Petition if it has determined that there is no substantial basis for its review of the suspension.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 150.565 Procedure for Processing Petition for Review

Upon receipt of the Petition, the Merit Board will mail two copies thereof to the petitioner's respective Deputy Director advising that party of the receipt of the Petition and setting forth the date, time, and place of hearing on said Petition which shall be not later than ~~90~~^{thirty (30)} days from the date of the request for review, and upon not less than ~~ten (10)~~ days notice. The Board will notify the petitioner and his/her attorney (if any) by certified mail, of the time and place of the hearing. Within five ~~(5)~~ working days after the Board accepts the Petition for Review, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Petition for Review. Said investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review which is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis therefor. The Board shall immediately make the investigatory file available to the officer and/or his or her attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART F: HEARINGS

Section 150.680 Decisions of the Board

All decisions of the Board as to guilt or innocence will be announced within ~~90~~³⁰ days after receipt of the Hearing Officer's proposal for decision, or within ~~90~~³⁰ days after the Hearing Officer's response to the parties' comments or arguments, whichever is later, as outlined below:

- a) After the hearing on a Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the accusations included in the Complaint, the Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or recommend participation in a rehabilitative program, including but not limited to the State

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Employees Assistance Program, whichever in the opinion of the Board is most applicable. If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the state or to third parties involved in the charges, and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation) during the period involved.

- b) After the hearing on a Petition for Review, the Board will render a written decision outlining the facts upon which the decision is based, and mail it by either registered or certified mail, return receipt requested, to the officer filing the Petition. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension, the Board may sustain, reduce, or reverse the action of the Director or Deputy Director; and in the event of reversal or reduction, the Board shall order that the officer receive the pay for the appropriate period involved. The award of compensation shall include interest at the rate of 7% per annum. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. Such decision shall be supported by a statement of findings of fact. A copy of said decision shall be mailed to the attorneys of record, the Director and the Deputy Director that initiated the action.
- c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer forthwith.
- d) If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Respiratory Care Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1456
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1456.09	New Section
1456.10	Amendment
1456.20	Amendment
1456.30	Amendment
1456.40	Amendment
1456.50	Amendment
1456.60	Amendment
1456.70	Amendment
1456.75	Amendment
1456.80	Amendment
1456.90	Amendment
1456.100	Amendment
1456.110	Amendment
1456.120	Amendment
- 4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]
- 5) Effective Date of Amendments: August 28, 2006
- 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) Date Notice of Proposal Published in Illinois Register: April 7, 2006; 30 Ill. Reg. 6059
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 94-523 allowed for individuals to make application under the grandfather provisions until December 31, 2006. Section 1456.09 sets the qualifications for individuals who wish to apply under this provision. Additional non-substantive changes were made to the entire Part by changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1456

RESPIRATORY CARE PRACTICE ACT

Section

1456.05	Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather) (Repealed)
<u>1456.09</u>	<u>Requirements for Licensure Under Section 50(b) of the Act (Grandfather)</u>
1456.10	Definitions
1456.20	Approved Respiratory Care Training Program
1456.30	Application for Licensure on the Basis of Examination
1456.40	Application for Licensure for Graduates from a Nonapproved Program
1456.50	Examination
1456.60	Endorsement
1456.70	Renewals
1456.75	Fees
1456.80	Inactive Status
1456.90	Restoration
1456.100	Unprofessional Conduct
1456.110	Continuing Education
1456.120	Granting Variances

AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg. 11751, effective August 11, 1997; amended at 22 Ill. Reg. 16508, effective September 3, 1998; amended at 24 Ill. Reg. 606, effective December 31, 1999; amended at 25 Ill. Reg. 14394, effective October 23, 2001; amended at 30 Ill. Reg. 14455, effective August 28, 2006.

Section 1456.09 Requirements for Licensure Under Section 50(b) of the Act (Grandfather)

- a) Any person seeking a license under Section 50(b) of the Respiratory Care Practice Act (the Act) shall file an application with the Division, on forms provided by the Division. The application shall be postmarked no later than December 31, 2006 and shall include the following:

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- 1) Verification of experience as a respiratory care practitioner as defined in Section 10 of the Act for at least 3 years, with a minimum of 400 hours per year, during the 5 years preceding December 31, 2005 in all aspects of respiratory care as defined by the Act. Experience must be obtained under the supervision of a certified or licensed respiratory therapist, registered nurse or a licensed health care professional as defined by Section 50 of the Act;
- 2) Certification of experience, on forms provided by the Division, signed by a certified respiratory therapist, licensed registered nurse or a licensed health care professional as defined by Section 50 of the Act;
- 3) Certification, on forms provided by the Division, from a jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- 4) The required fee set forth in Section 1456.75 of this Part.
- b) When the accuracy of any submitted documentation or experience is questioned by the Division because of lack of information, discrepancies or conflicts in the information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Added at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.10 Definitions

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"Act" means the Respiratory Care Practice Act.

"Board" means the Respiratory Care Board.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Respiratory care practitioner" means a person who is licensed by the Division~~Department~~ and meets all of the following criteria:

the person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

the person is capable of serving as a resource to the licensed physician in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

the person is able to function in situations of unsupervised patient contact requiring great individual judgment.

the person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services. (Section 10 of the Respiratory Care Practice Act [225 ILCS 106/10]);

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.20 Approved Respiratory Care Training Program

- a) The Department ~~of Professional Regulation (the Department)~~ shall, upon the recommendation of the Respiratory Care Board (the Board), approve a respiratory care program if it meets the criteria set forth in this Section. The institution:

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- 1) Is regionally accredited or legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree or certificate;
- 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the students are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees or experience in their ~~areas~~area(s) of teaching from professional colleges or institutions;
- 3) Has a program director, clinical coordinator and medical director; and
- 4) Has 62 semester hours or the equivalent of a 12 month course of study which includes, but not limited to, all of the following curriculum/subject areas with structured laboratory and clinical experience:
 - A) Basic Sciences:
 - Biology
 - Cardiopulmonary anatomy and physiology
 - Chemistry
 - Human anatomy and physiology
 - Computer science
 - Mathematics
 - Microbiology
 - Pharmacology
 - Physics
 - Psychology
 - B) Clinical Sciences:
 - Cardiopulmonary diseases
 - General medical and surgical specialties
 - Pathology
 - Pediatrics and perinatology
 - C) Respiratory Care Content Areas:
 - Aerosol therapy
 - Airway management
 - Assessment of patients' cardiopulmonary status
 - Cardiopulmonary diagnostics and interpretation

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Cardiopulmonary monitoring and interpretation
Cardiopulmonary rehabilitation and home care
Cardiopulmonary resuscitation
Chest physiotherapy
Ethics of respiratory care and medical care
Gas therapy
General patient care
Humidity therapy
Hyperinflation therapy
Mechanical ventilation management
Oxygen therapy
Pediatrics and perinatology

- b) Individuals applying for licensure who are deficient in any of the content areas set forth in subsection (a)(4) ~~above~~ may complete any one or all of these courses in an approved respiratory care program. The applicant will be required to submit proof to the ~~Division~~Department that he or she has passed ~~thesuch~~ a ~~course~~course(s). Proof shall include, but not be limited to, transcript, curriculum, program materials and course materials.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work is questioned by the ~~Division~~Department or the Board, the applicant will be required to provide such information as may be necessary and/or appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) In determining whether a program should be approved, the ~~Division~~Department, upon recommendation of the Board, shall take into consideration, but not be bound by, accreditation or approval by the ~~Committee on Accreditation for Respiratory Care Education (CoARC)~~Joint Review Committee for Respiratory Therapy Education, or its successor organization, or accreditation by the American Medical Association Committee on Allied Health Education and Accreditation (CAHEA), or its successor, the Commission on Accreditation of Allied Health Education Programs (CAAHEP).
- e) The ~~Division~~Department, upon recommendation of the Board, has determined that all respiratory therapy programs accredited or approved by ~~CoARC~~the Joint Review Committee for Respiratory Therapy Education, or its successor organization, or accredited by CAHEA, or its successor CAAHEP, meet the

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minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.30 Application for Licensure on the Basis of Examination

- a) An applicant for a respiratory care practitioner license shall apply on forms approved by the ~~Division~~Department. The application shall include:
- 1) Verification of successful completion of an approved respiratory therapy program as set forth in Section 1456.20(e) of this Part.
 - 2) Proof of passage of the Entry Level Certified Respiratory ~~Therapist (CRT)Therapy Technician (CRTT)~~ Examination or the Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing entity within 5 years after making application.
 - 3) ~~A complete work history.~~
 - 4) The required fee specified in Section 1456.75 of this Part.
- b) In lieu of the documents required in subsections (a)(1) and (2)-~~above~~, an applicant may submit certification as a Certified Respiratory ~~TherapistTherapy Technician~~ or as a Registered Respiratory Therapist from the National Board for Respiratory Care.
- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

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- d) When the accuracy of any submitted documentation or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.40 Application for Licensure for Graduates from a Nonapproved Program

- a) An applicant for a respiratory care practitioner license from a nonapproved program shall apply on forms approved by the ~~Division~~Department. The application shall include:
- 1) Transcripts and verification of successful completion of a respiratory therapy program which shall meet the requirements set forth in Section 1456.20 of this Part. The applicant shall be responsible for submitting the program materials for evaluation. If the documentation is insufficient to evaluate the program, the applicant will be requested to submit additional materials; and
 - 2) ~~A complete work history; and~~
 - 3) The required fee specified in Section 1456.75.
- b) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and

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- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) Upon approval of the applicant's program by the ~~Division~~Department, the applicant may sit for the examination set forth in Section 1456.50 of this Part.
- d) When the accuracy of any submitted documentation or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.50 Examination

- a) The examination for licensed respiratory care practitioners shall be the Certified Respiratory Therapist (CRT)~~Entry Level Certified Respiratory Therapy Technician (CRTT)~~ of the National Board for Respiratory Care.
- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service.
- c) Application to the testing services for purposes of the examination shall not constitute application to the Division~~Department for licensure.~~
- d) In lieu of the Entry Level Certified Respiratory Therapist (CRT)~~Therapy Technician (CRTT)~~ Examination of the National Board for Respiratory Care, the Division~~Department~~ will accept the Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

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Section 1456.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as a respiratory care practitioner shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, which includes:
- 1) Verification of meeting education requirements as set forth in Section 1456.20 of this Part;
 - 2) Proof of passage of the Entry Level Certified Respiratory ~~Therapist (CRT)Therapy Technician (CRTT)~~ Examination or Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing reporting service;
 - 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number; and
 - 4) ~~Complete work history; and~~
 - 5) The required fee specified in Section 1456.75.
- b) In lieu of the documents required in subsections (a)(1) and (2)~~-above~~, an applicant may submit certification from the National Board for Respiratory Care.
- c) The ~~Division~~Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or the applicant possesses individual qualifications which were substantially equivalent to the requirements of the Act.
- d) The ~~Division~~Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

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Section 1456.70 Renewals

- a) The first renewal period for licensure under the Act shall be October 31, 1999. Thereafter, every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the October 31, 2001 renewal and every renewal thereafter, a renewal applicant will be required to complete 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 95 of the Act.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees:
 - 1) The fee for application for a license as a respiratory care practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the ~~Division~~Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application for a continuing education sponsor is \$500. (State agencies, State colleges and State universities in Illinois shall be exempt

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from paying this fee.)

b) ~~Renewal Fees-~~

- 1) The fee for the renewal of a license shall be calculated at the rate of \$60 per year.
- 2) The fee for the renewal as a continuing education sponsor is \$250 for the renewal period (see Section 1456.110(c)(3)).

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division~~Department~~ records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Division~~Department~~ reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as respiratory care practitioners in this State shall be the actual cost of producing the roster.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.80 Inactive Status

- a) Licensed respiratory care practitioners who notify the Division~~Department~~, on forms provided by the Division~~Department~~, may place their licenses on inactive

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status and shall be excused from paying renewal fees until they notify the ~~Division~~Department in writing of the intention to resume active practice.

- b) Any licensed respiratory care practitioner seeking restoration from inactive status shall do so in accordance with Section 1456.90 of this Part.
- c) Any respiratory care practitioner whose license is on inactive status shall not use the title "licensed respiratory care practitioner" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.90 Restoration

- a) Any respiratory care practitioner whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1456.75. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with the fee required by Section 1456.75. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part. The applicant also shall submit:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice; or
 - 2) An affidavit attesting to military service as provided in Section 65(d) of the Act; or
 - 3) Proof of passage of a respiratory care examination set forth in Section 1456.50 of this Part during the period the registration was lapsed or on inactive status.
- c) Any person seeking restoration of a license within 2 years after discharge from

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military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~~~Department~~ because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

Section 1456.100 Unprofessional Conduct

- a) Pursuant to Section 95 of the Act, unprofessional conduct in the practice of respiratory care shall include but not be limited to:
- 1) Procuring, attempting to procure or renewing a license as provided by this Part by bribery, by fraudulent misrepresentation or through an error of the Board or the ~~Division~~~~Department~~;
 - 2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner licensed pursuant to this Part;
 - 3) Circulating untruthful, fraudulent, deceptive or misleading advertising;
 - 4) Engaging or attempting to engage in the possession, sale or distribution of

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controlled substances for any purpose other than a legitimate purpose;

- 5) Willfully failing to report any violation of this Part;
 - 6) Willfully or repeatedly violating a lawful order of the Board or the Division~~Department~~ previously entered in a disciplinary hearing;
 - 7) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, he/she is not competent to perform;
 - 8) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
 - 9) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill and treatment which is recognized by a reasonably prudent respiratory care practitioner with similar professional training as being acceptable under similar conditions and circumstances;
 - 10) Paying or receiving any commission, bonus, kickback or rebate, to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The provisions of this subsection shall not be construed to prevent the licensee from receiving a fee for professional consultation services;
 - 11) Failing to document in the medical records actions taken by the licensee and justification for those actions; and
 - 12) Performing professional services which have not been duly ordered.
- b) The Division~~Department~~ hereby incorporates by reference the "Statement of Ethics and Professional Conduct" (July 2004) of the American Association for Respiratory Care, 1720 Regal Row, Dallas, Texas 75235, with no later amendments or editions.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

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Section 1456.110 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is the 24 months preceding October 31 in the year of the renewal.
 - 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
 - 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
 - 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.
- b) Approved Continuing Education

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- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~.
 - 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
 - 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
 - A) The American Association for Respiratory Care or its affiliates;
 - B) The Illinois Society for Respiratory Care or its affiliates;
 - C) American Medical Association or the Illinois State Medical Society or its affiliates;
 - D) American Hospital Association or Illinois Hospital Association or its affiliates;
 - E) Illinois Nurses Association or the American Nursing Association or its affiliates;
 - F) American Lung Association or its affiliates;
 - G) The American Heart Association or its affiliates; or
 - H) Any other person, firm, association, corporation, or group that has been approved and authorized by the ~~Division~~Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
 - 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(H)

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shall file a sponsor application, along with the required fee set forth in Section 1456.75. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8)-~~below~~; and
 - C) That upon request by the ~~Division~~Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the ~~Division~~Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by October 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section 1456.75. With the application the sponsor shall be required to submit to the ~~Division~~Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
 - 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the ~~Division~~Department upon written request.
 - 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory care;

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- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name and address of the participant and his/her respiratory care practitioner license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Signature of the sponsor.
 - B) The sponsor shall maintain these records for not less than 5 years.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division~~Department~~, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the

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Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the ~~Division~~~~Department~~ receives reasonably satisfactory assurances of compliance with this Section.

- d) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he ~~or~~ /she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) ~~above~~.
 - 2) The ~~Division~~~~Department~~ may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements

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- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the ~~Division~~Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the ~~Division~~Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the ~~Division's~~Department's final decision on the application has been made.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

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Section 1456.120 Granting Variances

- a) The Director may grant variances from this Part in individual cases ~~when~~where he or she finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons ~~for granting the variance~~therefor, at the next meeting of the Board.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)

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- 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>Adopted Action</u> :
530.70	Amendment
530.80	Amendment
530.85	Amendment
530.95	Amendment
530.105	Repeal
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, 2.13, 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]
- 5) Effective Date of Amendments: August 24, 2006
- 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 12, 2006; 30 Ill. Reg. 8747
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 530.110(b)(3), the site name was changed to read "Siloam Springs State Park – Buckhorn Unit ~~Scrapps Unit~~...".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to update sites open for hunting, hunting dates, site-specific regulations, shot size requirements for hunting at specified sites, and to repeal Section 530.105 because Johnson-Sauk Trail, the only site in this Section, is being moved to the Section 530.70.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 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
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
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 (Repealed)
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.

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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. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006.

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) to obtain a permit reservation. 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 the DNR. Applications for reservations will be accepted on the first Monday of August until ~~2448~~ hours before the last hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us>, by email at: pheasant@dnrmail.state.il.us or by writing to the Department's Division of Parks and Recreation-Pheasant at the address cited in subsection (c). Only applications for reservations submitted by Illinois residents will be accepted during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is

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a Class A misdemeanor (see 520 ILCS 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 Website at: <http://dnr.state.il.us>, by email at: pheasant@dnrmail.state.il.us or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation – Pheasant
One Natural Resources Way
Springfield IL 62702-1271

- d) Reservations for pheasant hunting will be issued by the Department for the 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, Johnson-Sauk Trail State Park, 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 30 Ill. Reg. 14478, effective August 24, 2006)

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

- a) Hunting Seasons:

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- 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.

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

Johnson-Sauk Trail State Park

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

Des Plaines Conservation Area

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Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County Conservation Area (Green River) is November 5, 6, 12, 13, 20, 26, 27, 7, 13, 14, 21, 27, 28 and December 4, 10, 11, 17, 18, 19, 11, 12, 18, 19, 20.

- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

Horseshoe Lake State Park-Madison County (closed New Year's Day) – the first hunting day after the close of the central zone duck season through the next following January 31

Iroquois County Conservation Area (closed during the November

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3-day firearm deer season) and Chain O'Lakes State Park – the Wednesday before the first Saturday in November through the following seventh and sixth Sundays, respectively

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed New Year's Day), Sand Ridge State Forest (closed New Year's Day) – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- 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.

Table with 3 columns: Site Name, Check-In Times, and Hunting Hours. Rows include Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Horseshoe Lake State Park (Madison County), and Iroquois County Conservation Area.

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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>Johnson-Sauk Trail State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u> <u>(Thanksgiving Day –</u> <u>9:00 a.m.-1:00 p.m.)</u>
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Lee County Conservation Area (Green River State Wildlife Area)	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)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)

- c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued ~~by: 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) 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:~~

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Des Plaines Conservation Area

Eldon Hazlet State Park

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- 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 the Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area = Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, 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

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Friday between Christmas Day and New Year's 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.

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

Silver Springs State Park – not more than \$22 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$36 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 possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or, a nontoxic shot size ballistically equivalent to 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, Johnson-Sauk Trail 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 ballistically equivalent to No. 5 lead 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

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shall be allowed in the field, and except for operators of Department conveyances and 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.
- j) Daily limits – On the following areas, hunters may obtain one permit each day; a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses; with written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation sponsored hunts:

Chain O'Lakes State Park (2 pheasant permits per hunter each day)

Des Plaines Conservation Area

Eldon Hazlet State Park

Lee County Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving following third Sunday only and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

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Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- 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 30 Ill. Reg. 14478, effective August 24, 2006)

Section 530.85 Youth Pheasant Hunting Permit Requirements

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. Applications for reservations will be accepted on the first Monday of August until ~~2448~~ hours before the hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us>, by email at: pheasant@dnrmail.state.il.us or by writing to the

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Department's Division of Parks and Recreation. Only applications for reservations submitted by Illinois residents will be accepted 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. 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) Methods for transferring permits will be provided on the Department's Website at: <http://dnr.state.il.us>, by email at: pheasant@dnrmail.state.il.us or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation – Youth Pheasant Hunt
One Natural Resources Way
Springfield IL 62702-1271

- d) Reservations for the Illinois Youth Pheasant Hunt permits will be issued for Chain O'Lakes State Park, Clinton Lake State Recreation Area, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (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 Unit Area.

(Source: Amended at 30 Ill. Reg. 14478, effective August 24, 2006)

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:

Clinton Lake State Recreation Area

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Mackinaw River State Fish and Wildlife Area

- 2) the Sunday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines Conservation Area

Edward R. Madigan State Park

Lee County Conservation Area (Green River)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area = Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

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

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park (Madison County)

Wayne Fitzgerald State Park (Rend Lake)

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. 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).

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- 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 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) Persons who have killed game previously and have it in their possession or in their 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 hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, ~~or a nontoxic shot size ballistically equivalent to No. 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, Johnson-Sauk Trail 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 ballistically equivalent to No. 5 lead ~~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),

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Johnson-Sauk Trail State Park, Moraine View State Park, Sand Ridge State Forest, and Wayne Fitzgerald State Park.

- 2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
 - 3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.
 - 4) Two pheasants of either sex, eight quail and four rabbits at 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.
 - j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 30 Ill. Reg. 14478, effective August 24, 2006)

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

- 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.~~
- c) ~~Hunting hours are 9:00 a.m. to 4:00 p.m.; on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m.~~
- d) ~~All hunting must be done with shotgun or bow and arrow. At Johnson-Sauk Trail State Park only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of #3 steel or tin, #4 bismuth, or #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.~~

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- 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.~~
 - 3) ~~Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park on the Sunday following Thanksgiving Day and on the Friday between Christmas Day and New Year's 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 field).~~
- l) ~~Hunters must not leave the site without first checking out.~~
- m) ~~Daily Limit:~~

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- 1) ~~Pheasant—2 (either sex may be harvested)~~
- ~~Bobwhite Quail—8~~
~~Hungarian Partridge—2~~
~~Rabbit—4~~
- 2) ~~With written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation sponsored hunts.~~
- 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. With written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR-operated areas:~~
- ~~Johnson-Sauk Trail State Park~~
- 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: Repealed at 30 Ill. Reg. 14478, effective August 24, 2006)

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.

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- 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 #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #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.
- 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

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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)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

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)

Ferne 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)

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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)

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; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots~~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)

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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)

Ray Norbut State Fish and Wildlife 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)

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Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (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)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit) (1)

Weinberg-King State Park (Spunky Bottoms 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

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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; closed during firearm deer season)

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)

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (rabbit hunting only open Monday following the close of the controlled pheasant hunting season through the next following January 22)

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)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

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 ~~season; hunting hours are 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~~)

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~~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 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:

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) (3)

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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)

Franklin Creek State Natural Area – Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

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

Green River State Wildlife Area (open only November 4, 8, 9, 11, 15, 22, 25, ~~9, 10, 12, 16, 23, 26~~ and December 6, 7, 9, 13, 14, 16, 20, 21, 23, ~~7, 8, 10, 14, 15, 17, 21, 22, 24~~; 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 holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder

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to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game~~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; rabbit hunting only after the close of pheasant and quail season; 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, 8, 11, 15, 22, 25, 29~~5, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 10, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10, 13~~4, 7, 9, 11, 14~~; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – Denmark Unit (open only November 5, 8, 11, 15, 22, 26, 29~~6, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 11, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10, 13~~4, 7, 9, 11, 14~~; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open only November 4, 8, 11, 15, 22, 25, 29~~5, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 10, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10,

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134, 7, 9, 11, 14; each permit authorizes the holder to bring 2 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 the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.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~~Scrapps Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter 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 to bring 5 hunting partners) (3)

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

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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)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the northern zone season) (1)

- 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 30 Ill. Reg. 14478, effective August 24, 2006)

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- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.20	Amendment
680.25	Repeal
680.30	Amendment
680.40	Amendment
680.50	Amendment
680.60	Amendment
680.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: August 24, 2006
- 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 the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 12, 2006; 30 Ill. Reg. 8777
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 680.20(a) – in the fourth sentence, after "county", added "for which" and after "issued", added "for".

Section 680.20(e) – added new text at the end of the subsection "Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to make statewide program changes to make this rule compatible with other deer hunting rules. Changes include updating statewide deer permit requirements, repealing Section 680.25 because language has been incorporated into Section 680.20, allowing standby permits to be issued at sites designated on the permit application as allowing standby hunting, and allowing hunters to use firearm and muzzleloader permits that they did not fill during the previous firearm/muzzleloading deer season.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits (<u>Repealed</u>)
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid Late-Winter Deer Season Permit (\$15), or an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. Nonresident hunters must have an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one

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~~county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm or muzzleloader deer permits are valid only for the county **for which** they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled firearm or muzzleloader deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Deer Season or an unused free landowner/tenant permit. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:~~

Department of Natural Resources
(Late-Winter Deer Season)
Deer Permit Office
Post Office Box 19227
Springfield IL 62794-9227

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) ~~In-person, and mail-in~~ and electronic applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Late-Winter Deer Permit Application, and must complete all portions of the form. ~~No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, Late-Winter, archery, and free or paid landowner/tenant permits.~~
- e) For the applicant to be eligible to receive a Late-Winter Deer Permit (\$15), he must be an Illinois resident and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

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- f) It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer season.
- g) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- h) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- i) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- j) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- ~~k) Each applicant must enclose a separate \$15 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.~~
- k)† Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.25 Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)

- ~~a) Unfilled free landowner and tenant firearm deer permits issued pursuant to 17 Ill. Adm. Code 650.21 shall be valid only on lands owned/leased by the permit holder during the Late-Winter Deer Season and only for antlerless deer.~~
- ~~b) Violation of this Section is a Class B Misdemeanor (see 520 ILCS 5/2.24).~~

(Source: Repealed at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.30 Deer Permit Requirements – Group Hunt

- ~~a) Up to six individuals may apply to hunt as a group. If applicants are applying in a~~

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~~group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.~~

- b) Each individual must sign his or her own application.
- c) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting

- a) The only legal firearms to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
 - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
 - 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30

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caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.

- 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

c) Standards and specifications for use of muzzleloading firearms are as follows:

- 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
- 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.
- 3) Percussion caps, wheel lock, matchlock or flint type ignition only may be used.
- 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

d) Hunters using unfilled muzzleloader deer permits may only use muzzleloading rifles as specified in Section 680.40(a)(2). Hunters using unfilled firearm deer permits, or Late-Winter Deer Season Permits, may use all firearms specified in subsection (a).

e)d) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during

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the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized permit. Persons using an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season (including landowner permits) may only harvest antlerless deer even when using an either-sex permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the harvest tag to the deer in the manner prescribed in Section 680.60 and on the permit.
- c) Hunters shall not have in their possession, while in the field during the Late-Winter deer season, any deer permit issued to another person (permits are non-transferrable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.60 Reporting Harvest

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-

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866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
 - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

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Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a public announcement and/or the site is listed as being open on the Late-Winter deer season application. Sites allowing standby hunting, along with the required check-in time, will be designated on the Late-Winter Deer Season application. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. 14508, effective August 24, 2006)

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- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
715.20	Amendment
715.25	Amendment
715.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: August 24, 2006
- 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 27, 2006; 30 Ill. Reg. 8787
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 715.20(a), a new second sentence was added: "Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit.".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update application requirements, including adding language regarding electronic point-of-sale and to remove Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) from Section

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715.40 because the site will now be treated as a single unit.

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

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 715
THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. 14518, effective August 24, 2006.

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a

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hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.state.il.us or by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648).~~must be mailed to:~~

~~Illinois Department of Natural Resources—
Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19446
Springfield IL 62794-9446~~

- b) Applicants must supply all information necessary to complete the application.~~Applicants must complete all portions of the permit application form.~~ Incomplete applications shall be rejected and fees returned. Each applicant must submit ~~payment a personal check or money order~~ for his/her individual application at the time of application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. ~~All requests must be on an official application form.~~ Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.
- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily

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drawing. This drawing period is open to hunters applying for their first or second permits. Hunters may obtain a maximum of two permits for the fall gun season.

- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.
- g) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. 14518, effective August 24, 2006)

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid

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hunting license.

d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

ed) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.

fe) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a).

gf) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
- 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

hg) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

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- 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
- 2) The authorized form from the Farm Service Agency.

ih) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

ij) Shareholder Landowner Permits

- 1) Bona fide equity shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder as defined in subsection (i)(2), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$37.50.
- 2) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation

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accurately reflecting his or her percentage of ownership; and

- B) intends to retain the ownership of the shares of stock for at least 5 years.

kj) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. 14518, effective August 24, 2006)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

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

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

Rend Lake Project Lands (portion in Jefferson County only)

Weinberg-King State Park (Cecil White Unit)

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

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Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Hanover Bluff State Natural Area

Horseshoe Lake Conservation Area (public hunting area except for controlled goose hunting area)

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only)

Skinner Farm State Habitat Area

Spoon River State Forest

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Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area – Firing Line Management Unit Only

Weinberg-King State Park

Weinberg-King State Park – Scripps Unit

Weinberg-King State Park – Spunky Bottoms Unit

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units

Crawford County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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

Meeker State Habitat Area

Newton Lake Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt

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will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 30 Ill. Reg. 14518, effective August 24, 2006)

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- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2080.60	Amendment
2080.75	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3]
- 5) Effective Date of Amendments: August 24, 2006
- 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: June 2, 2006; 30 Ill. Reg. 9986
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 2080.60(a)(1) – struck "~~T, K, K', and H~~" and added "H, K, and T".

Section 2080.60(a)(2) – struck "~~only~~" and after "operate", added "only" and added "only" following "and".

Section 2080.60(b)(1) – removed "only" following "shall" and added "only" following "operate" and added "only" following "and".

Section 2080.75(a) – removed "only" following "shall" and added "only" following "rent" and added "only" following "and".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the

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agreements issued by JCAR? Yes

- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to aid in enforcement and inspection of watercraft and to require passenger-for-hire operations on inland waters and boat rental services to specify where watercraft will be operated when they apply for their licenses.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

Section	
2080.10	Introduction
2080.20	Definitions
2080.30	Applicability
2080.40	Dry Dock Inspection
2080.50	Dockside Inspection
2080.60	Licensing Requirements
2080.70	License and Decal
2080.75	Rental Boats
2080.80	Misuse of License or Decal
2080.90	Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective July 28, 1999; amended at 24 Ill. Reg. 3594, effective February 17, 2000; amended at 30 Ill. Reg. 14529, effective August 24, 2006.

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
 - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR ~~subchapters~~ subchapters H, K, and T, K, K', and H.
 - 2) Licensed operators shall ~~only~~ be authorized to operate only vessels

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designated by the license, and only on bodies of water so designated on the license.

- 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard and USDOT drug testing regulations (46 CFR 16 and 49 CFR 40).

b) Inland Waters

- 1) Licensed operators shall be authorized to operate only vessels designated by the license and only on bodies of water designated on the license.
- 2) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 3) No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 30 Ill. Reg. 14529, effective August 24, 2006)

Section 2080.75 Rental Boats

- a) The operators of boat rental services shall be authorized to rent only vessels designated by the license and only on bodies of water designated on the license.
- b) The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].

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(Source: Amended at 30 Ill. Reg. 14529, effective August 24, 2006)

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- 1) Heading of the Part: Clean Construction or Demolition Debris Fill Operations
- 2) Code Citation: 35 Ill. Adm. Code Part 1100
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1100.101	New
1100.102	New
1100.103	New
1100.104	New
1100.201	New
1100.202	New
1100.203	New
1100.204	New
1100.205	New
1100.206	New
1100.207	New
1100.208	New
1100.209	New
1100.210	New
1100.211	New
1100.301	New
1100.302	New
1100.303	New
1100.304	New
1100.305	New
1100.306	New
1100.307	New
1100.308	New
1100.309	New
1100.310	New
1100.401	New
1100.402	New
1100.403	New
1100.404	New
1100.405	New
1100.406	New
1100.407	New
1100.408	New
1100.409	New
1100.410	New

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1100.411 New
1100.412 New

- 4) Statutory Authority: Implementing Sections 5 and 22.51 and authorized by Section 22.51 and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, and 27].
- 5) Effective Date of Rules: August 24, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 21, 2006; 30 Ill. Reg. 7711
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: In response to public comments and the complete record, the Board added a new subsection to 1100.303(b) to require signatures on permit applications on behalf of LLCs. The Board added signatories for LLCs to the list of duly authorized agents of the owner or operator. At the request of the Joint Committee on Administrative Rules (JCAR), the Board added a new subsection 1100.101(b)(4) to clarify that current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material are not subject to the requirements of this Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these rules replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more detailed description of this rulemaking can be found in the Board's August 17, 2006, final opinion and order. This rulemaking is based on statutory amendments to the Illinois Environmental Protection Act (Act) (415 ILCS 5) in Public Act 94-272. Public Act 94-272 requires a permit to use clean

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construction or demolition debris (CCDD) as fill material in a current or former quarry, mine, or other excavation, and requires the Board to adopt regulations for that use by September 1, 2006.

Per the P.A. 94-272 mandate, the new Part 1100 establishes a permit program for the use of CCDD in former quarries, mines, or other excavations. Subpart A of Part 1100 establishes the scope of the regulation, provides definitions, and clarifies the applicability of the permit program. CCDD fill operations at facilities that are permitted as a landfill under Parts 35 Ill. Adm. Code 807, or 811 through 814 (municipal, chemical, or putrescible waste landfills) are exempt from the Part 1100 CCDD permitting rules because the landfill permitting rules are more protective. Facilities permitted under Parts 807, or 811 through 814 can accept CCDD without obtaining a permit under Part 1100.

Subpart B sets forth the standards applicable to the operation of CCDD facilities, CCDD load inspections, closure and postclosure plans, including recordkeeping requirements and annual reports.

Subpart C identifies what information an applicant must include in the permit application, which includes notification to local and State government officials, location and facility maps, facility description, proof of ownership, surface water controls, and plans for closure and postclosure.

The procedural rules that both the Illinois Environmental Protection Agency (Agency) and the applicant must follow for permitting are contained in Subpart D. Subpart D contains standards for approval and denial and provides the Agency's deadlines for review of permit applications. The Agency must make a final decision on an application within 90 days of receiving the application, or the permit is deemed issued. Permits issued under Part 1100 will have a term of 10 years.

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

Amy Antonioli
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-3665

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Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R04-21 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS
CHAPTER I: POLLUTION CONTROL BOARD

PART 1100
CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS

SUBPART A: GENERAL

Section	
1100.101	Scope and Applicability
1100.102	Severability
1100.103	Definitions
1100.104	Incorporations by Reference

SUBPART B: STANDARDS

Section	
1100.201	Prohibitions
1100.202	Surface Water Drainage
1100.203	Annual Facility Map
1100.204	Operating Standards
1100.205	Load Checking
1100.206	Salvaging
1100.207	Boundary Control
1100.208	Closure
1100.209	Postclosure Maintenance
1100.210	Recordkeeping Requirements
1100.211	Annual Reports

SUBPART C: PERMIT INFORMATION

Section	
1100.301	Scope and Applicability
1100.302	Notification
1100.303	Required Signatures
1100.304	Site Location Map
1100.305	Facility Plan Maps
1100.306	Narrative Description of the Facility
1100.307	Proof of Property Ownership and Certifications

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- 1100.308 Surface Water Control
- 1100.309 Closure Plan
- 1100.310 Postclosure Maintenance Plan

SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING

Section

- 1100.401 Purpose of Subpart
- 1100.402 Delivery of Permit Application
- 1100.403 Agency Decision Deadlines
- 1100.404 Standards for Issuance of a Permit
- 1100.405 Standards for Denial of a Permit
- 1100.406 Permit Appeals
- 1100.407 Permit No Defense
- 1100.408 Term of Permit
- 1100.409 Transfer of Permits
- 1100.410 Procedures for the Modification of Permits
- 1100.411 Procedures for the Renewal of Permits
- 1100.412 Procedures for Closure and Postclosure Maintenance

AUTHORITY: Implementing Sections 5 and 22.51 and authorized by Section 22.51 and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg. 14534, effective August 24, 2006.

SUBPART A: GENERAL

Section 1100.101 Scope and Applicability

- a) This Part applies to all clean construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814.
- b) This Part does not apply to:
 - 1) CCDD other than CCDD used as fill material in a current or former quarry, mine, or other excavation;

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- 2) *The use of CCDD as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD was generated [415 ILCS 5/22.51(b)(4)(A)];*
- 3) *The use of CCDD as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications [415 ILCS 5/22.51(b)(4)(B)];*

BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

- 4) *Current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material [415 ILCS 5/22.51(b)(4)(C)];*
- 5) The use of the following types of material as fill material:
 - A) CCDD that is considered "waste" under the Act or rules adopted pursuant to the Act; or
 - B) Any material other than CCDD, including, but not limited to, material generated on site as part of a mining process; and
- 6) The portions of a site not used for a CCDD fill operation.

Section 1100.102 Severability

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication must not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 1100.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5]:

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"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

"100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

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

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a CCDD fill operation.

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"CCDD fill operation" means the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, clay, rock, sand, gravel, roots, and other vegetation.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is:

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used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure; or

separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with the first indented paragraph immediately above within 30 days of its generation; or

solely broken concrete without protruding metal bars used for erosion control; or

generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Facility" means the areas of a site and all equipment and fixtures on a site used for a CCDD fill operation. A facility consists of an entire CCDD fill operation. All structures used in connection with or to facilitate the CCDD fill operation will be considered a part of the facility.

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"Filled area" means areas within a unit where CCDD has been placed as fill material.

"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115]

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"Operator" means a person responsible for the operation and maintenance of a CCDD fill operation. [415 ILCS 5/22.51(e)(1)]

"Owner" means a person who has any direct or indirect interest in a CCDD fill operation or in land on which a person operates and maintains a CCDD fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a CCDD fill operation. [415 ILCS 5/22.51(e)(2)]

"Person" is any individual, partnership, co-partnership, firm, 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 5/3.115]

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

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"Salvaging" means the return of CCDD to use other than use as fill at a CCDD fill operation.

"Setback zone" means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]

"Unit" means a contiguous area within a facility that is permitted for the placement of CCDD as fill material.

"Working face" means any part of a unit where CCDD is being placed as fill.

Section 1100.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-3238:

Test Methods for Evaluating Solid Waste, Physical/Chemical methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Updates I, II, IIA, IIB, III, IIIA and IIIB).

- b) This incorporation includes no later amendments or editions.

SUBPART B: STANDARDS

Section 1100.201 Prohibitions

- a) *No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].*
- b) CCDD fill operations must not accept waste for use as fill.
- c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)

Section 1100.202 Surface Water Drainage

- a) Runoff from Filled Areas

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- 1) All discharges of runoff from filled areas to waters of the State must be permitted by the Agency to the extent required under 35 Ill. Adm. Code 309.
 - 2) All surface water control structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.
- b) Diversion of Runoff from Unfilled Areas
- 1) Runoff from unfilled areas must be diverted around filled areas to the greatest extent practical.
 - 2) Diversion facilities must be constructed to prevent runoff from the 10-year, 24-hour precipitation event from entering filled areas.
 - 3) Runoff from unfilled areas which becomes commingled with runoff from filled areas must be handled as runoff from filled areas in accordance with subsection (a) of this Section.
 - 4) All diversion structures must be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining (i.e., the bottom and sides) of the diversion channel and downstream channels.
 - 5) All diversion structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.

Section 1100.203 Annual Facility Map

The owner or operator must submit an annual facility map to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under Sections 1100.305(a) through (d) of this Part.

Section 1100.204 Operating Standards

- a) Placement of Fill Material

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Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted under the Act.

- b) **Size and Slope of Working Face**
The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted under the Act.
- c) **Equipment**
Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.
- d) **Utilities**
All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.
- e) **Maintenance**
The owner or operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.
- f) **Dust Control**
The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.
- g) **Noise Control**
The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.
- h) **Fill Elevation**
The owner or operator must not place CCDD used as fill *higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area.*
[415 ILCS 5/3.160(b)]

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BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.

- i) **Mud Tracking**
The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.

Section 1100.205 Load Checking

The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:

- a) **Routine Inspections**
 - 1) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.
 - 2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.
- b) **Random Inspections**
 - 1) In addition to the inspections required under subsection (a) of this Section, an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day.

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The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection (a)(1) of this Section. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

- 2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.
- c) Documentation of Inspection Results
- The documentation for each inspection must include, at a minimum, the following:
- 1) The date and time of the inspection, the name of the hauling firm, the vehicle identification number or license plate number, and the source of the CCDD;
 - 2) The results of the routine inspection required under subsection (a) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;
 - 3) The results of any random inspection required under subsection (b) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and
 - 4) The name of the inspector.
- d) Rejection of Loads

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- 1) If material other than CCDD is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:
 - A) That only CCDD is accepted for use as fill at the facility;
 - B) That the rejected load contains or is suspected to contain material other than CCDD, and that the material must not be taken to another CCDD fill operation and must be properly recycled or disposed of at a permitted landfill;
 - C) That for all inspected loads the owner or operator is required to record, at a minimum, the date and time of the inspection, the name of the hauling firm, the vehicle identification number or license plate number, and the source of the fill and is required to make this information available to the Agency for inspection.
- 2) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD that remains at the facility after the rejection of a load.
- e) The owner or operator must take special precautionary measures as specified in the Agency permit prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD to the facility. The special precautionary measures may include, but are not limited to, questioning the driver about the load prior to its discharge and increased visual inspection and instrument testing of the load.
- f) If material other than CCDD is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.
- g) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD.
- h) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:

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- 1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 1100.104 of this Part;
 - 2) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or
 - 3) Other operating procedures specified in the Agency permit.
- i) Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit. The documentation must be available for inspection and copying by the Agency upon request during normal business hours.

Section 1100.206 Salvaging

- a) All salvaging operations must in no way interfere with the CCDD fill operation, result in a violation of this Part, or delay the construction of final cover.
- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.
- c) Salvageable materials:
 - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and
 - 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

Section 1100.207 Boundary Control

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.
- b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD is accepted for use as fill.

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Section 1100.208 Closure

- a) Completion of Filling
 - 1) The owner or operator is deemed to have completed CCDD filling:
 - A) 30 days after the date on which the facility receives the final load of CCDD for use as fill; or
 - B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD for use as fill, no later than one year after the most recent receipt of CCDD for use as fill.
 - 2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) of this Section if the owner or operator demonstrates that:
 - A) The facility has the capacity to receive additional CCDD for use as fill; and
 - B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.
- b) Closure
 - 1) Final Cover

All filled areas must be *covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure.* [415 ILCS 5/3.160] The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.
 - 2) Final Slope and Stabilization
 - A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.

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- B) All drainage ways and swales must be constructed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.
- C) The final configuration of the facility must be constructed in a manner that minimizes erosion.
- D) Standards for Vegetation
 - i) Vegetation must minimize wind and water erosion;
 - ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;
 - iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

Section 1100.209 Postclosure Maintenance

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 of this Part unless a shorter period of time for postclosure maintenance is specified in the Agency permit. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

- a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit.
- b) Maintenance and Inspection of the Final Cover
 - 1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.

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- 2) All rills, gullies, and crevices 6 inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.
 - 3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.
 - 4) All holes and depressions created by settling must be filled and recontoured so as to prevent standing water.
 - 5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, must be revegetated in accordance with the approved closure plan for the facility.
- c) The Agency must approve postclosure use of the property if the owner or operator demonstrates that the disturbance of the final cover will not increase the potential threat to human health or the environment.

Section 1100.210 Recordkeeping Requirements

The owner or operator must maintain an operating record at the facility or in some alternative location specified in the Agency permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

- a) Any information submitted to the Agency pursuant to this Part, including, but not limited to, copies of all permits, permit applications, and annual reports;
- b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205 of this Part.

Section 1100.211 Annual Reports

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. The annual report must include, at a minimum, the following information:

- a) A summary of the number of loads accepted and the number of loads rejected during the calendar year.

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- b) Amount of CCDD expected in the next year.
- c) Any modification affecting the operation of the facility.
- d) The signature of the owner or operator, or the owner or operator's duly authorized agent as specified in Section 1100.303 of this Part.

SUBPART C: PERMIT INFORMATION

Section 1100.301 Scope and Applicability

All persons seeking a permit for a CCDD fill operation must submit to the Agency an application for the permit in accordance with the Act and this Part.

Section 1100.302 Notification

The applicant must provide notification of the request for a permit to the State's Attorney and the Chairman of the County Board of the county in which the facility is located, each member of the General Assembly from legislative districts in which that facility is located, and the clerk of each municipality located within 3 miles of the facility. Proof of providing the notifications required under this Section must be included in the permit application.

Section 1100.303 Required Signatures

- a) All permit applications must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.
- b) All permit applications must be signed by the owner and operator, or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. All signatures must be notarized. The following persons are considered duly authorized agents of the owner and operator:
 - 1) For corporations, a principal executive officer of at least the level of vice president;
 - 2) For a sole proprietorship, the sole proprietor;
 - 3) For a partnership, a general partner;

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- 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official; and
- 5) For a member-managed limited liability company, by a member and for a manager-managed limited liability company, by a manager or member.

Section 1100.304 Site Location Map

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7½ minute series (topographic) that clearly shows the following information:

- a) The site boundaries, the facility boundaries, and all adjacent property extending at least 1000 meters (3300 feet) beyond the facility boundaries;
- b) All surface waters;
- c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;
- d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;
- e) Any wellhead protection areas pursuant to Section 1428 of the Safe Water Drinking Act (SDWA) (42 USC 300f) and any sole source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of SDWA; and
- f) All main service corridors, transportation routes, and access roads to the site and facility.

Section 1100.305 Facility Plan Maps

The application must contain maps showing the details of the facility. The maps must have a scale no smaller than one inch equals 200 feet, have appropriate contour intervals as needed to delineate all physical features of the facility, and show the following:

- a) The entire facility, including, but not limited, to all permanent structures and roads within the facility;

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- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) All roads entering and exiting the facility; and
- d) Devices for controlling access to the facility.

Section 1100.306 Narrative Description of the Facility

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part. Such descriptions must include, but are not limited to, the following information:

- a) A description of the CCDD being used as fill and a load checking plan describing how the owner or operator will comply with Section 1100.205 of this Part;
- b) The types of CCDD expected in each unit, an estimate of the maximum capacity of each unit, and the rate at which CCDD is to be placed in each unit;
- c) The estimated density of the CCDD;
- d) The length of time each unit will receive CCDD;
- e) A description of all equipment to be used at the facility for complying with the facility permit, the Act, and Board regulations;
- f) A description of any salvaging to be conducted at the facility, including, but not limited to, a description of all salvage facilities and a description of how the owner or operator will comply with Section 1100.206 of this Part;
- g) A description of how the owner or operator will comply with the requirements of Section 1100.207 of this Part;
- h) A description of how the owner or operator will comply with Sections 1100.204(c) and (e) of this Part;
- i) A description of the methods to be used for controlling dust in compliance with Section 1100.204(f) of this Part;

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- j) A description of how the owner or operator will control noise in compliance with Section 1100.204(g) of this Part; and
- k) A description of all existing and planned roads in the facility that will be used during the operation of the facility, the size and type of such roads, and the frequency with which they will be used.

Section 1100.307 Proof of Property Ownership and Certifications

The permit application must contain a certificate of ownership of the facility property and certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and operator must certify that the Agency will be notified within 7 days after any changes in ownership.

Section 1100.308 Surface Water Control

The permit application must contain a plan for controlling surface water that demonstrates compliance with Section 1100.202 of this Part, and that includes at least the following:

- a) A copy of any approved National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 to discharge runoff from all filled areas of the facility, or a copy of any such NPDES permit application if an NPDES permit is pending; and
- b) A map showing the location of all surface water control structures at the facility.

Section 1100.309 Closure Plan

The permit application must contain a written closure plan that contains, at a minimum, the following:

- a) Maps showing the configuration of the facility after closure of all units, including, but not limited to, appropriate contours as needed to show the proposed final topography after placement of the final cover for all filled areas. All maps must have a scale no smaller than one inch equals 200 feet;
- b) Steps necessary for the temporary suspension of CCDD filling in accordance with Sections 1100.208(a)(1)(B) or (a)(2) of this Part;

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- c) Steps necessary for closure of the facility at the end of its intended operating life;
- d) An estimate of the expected year of closure;
- e) Schedules for temporary suspension of CCDD filling and closure, which must include, at a minimum, the total time required to close the facility and the time required for closure activities that will allow tracking of the progress of closure;
- f) A description of how the applicant will comply with Section 1100.208 of this Part; and
- g) A description of the final cover, including, but not limited to, the material to be used as the final cover, application and spreading techniques, the types of vegetation to be planted, and the types of roads or structures to be built pursuant to Section 1100.208 of this Part.

Section 1100.310 Postclosure Maintenance Plan

The permit application must contain a postclosure maintenance plan that includes a description of the planned uses of the property during the postclosure maintenance period and a description of the measures to be taken during the postclosure maintenance period in compliance with the requirements of Section 1100.209 of this Part.

SUBPART D: PROCEDURAL REQUIREMENTS FOR PERMITTING

Section 1100.401 Purpose of Subpart

This Subpart contains the procedures to be followed by all applicants and the Agency for applications for permits for CCDD fill operations.

Section 1100.402 Delivery of Permit Application

All permit applications must be submitted on forms prescribed by the Agency, and must be mailed or delivered to the address designated by the Agency on the forms. The Agency must provide a dated, signed receipt upon request. The Agency's record of the date of filing must be deemed conclusive unless a contrary date is proved by a dated, signed receipt.

Section 1100.403 Agency Decision Deadlines

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- a) *If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. [415 ILCS 5/39]*
- b) An application for permit pursuant to this Subpart must not be deemed filed until the Agency has received all information and documentation in the form and with the content required by this Part. However, if, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application must be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 1100.402 of this Part. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 1100.406 of this Part.
- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a) of this Section.
- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application must constitute a new application for the purposes of calculating the Agency decision deadline date.
- e) The Agency must mail all notices of final action by registered or certified mail, postmarked with a date stamp and accompanied by a return receipt request. Final action must be deemed to have taken place on the date that such final action is signed.

Section 1100.404 Standards for Issuance of a Permit

- a) *The Agency must issue a permit upon proof that the facility, unit, or equipment will not cause a violation of the Act or of Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]*
- b) *In granting permits, the Agency must impose such conditions as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with Board regulations set forth in 35 Ill. Adm. Code: Chapter I. [415 ILCS 5/39]*

Section 1100.405 Standards for Denial of a Permit

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If the Agency denies any permit under this Part, the Agency must transmit to the applicant within the time limitations of this Part specific, detailed statements as to the reasons the permit application was denied. Such a statement must include, but not be limited to, the following:

- a) *the Sections of the Act which may be violated if the permit were granted;*
- b) *the provisions of the regulations, promulgated under the Act, which may be violated if the permit were granted;*
- c) *the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and*
- d) *a statement of specific reasons why the Act and the regulations might not be met if the permit were granted. [415 ILCS 5/39].*

Section 1100.406 Permit Appeals

If the Agency refuses to grant or grants with conditions a permit under Section 39 of the Act, the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency [415 ILCS 5/40(a)(1)]. The petition must be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and Board rules at 35 Ill. Adm. Code 101 and 105.

Section 1100.407 Permit No Defense

The issuance and possession of a permit does not constitute a defense to a violation of the Act or any Board rules, except for the use of CCDD as fill material in a current or former quarry, mine, or other excavation without a permit.

Section 1100.408 Term of Permit

- a) Permits issued under this Part must not have a term of more than 10 years.
- b) All permits are valid until postclosure maintenance is completed or until the permit expires or is revoked, as provided in this Part.
- c) The violation of any permit condition or the failure to comply with any provision of this Part is grounds for sanctions as provided in the Act, including, but not limited to, permit revocation. Such sanctions must be sought by filing a

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complaint with the Board pursuant to Title VIII of the Act [415 ILCS 5/Title VIII].

Section 1100.409 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval must be granted only if a new owner or operator who is seeking transfer of a permit can demonstrate the ability to comply with all applicable requirements of this Part.

Section 1100.410 Procedures for the Modification of Permits

- a) Owner or Operator Initiated Modification.
A modification to an approved permit may be initiated at the request of an owner or operator at any time after the permit is approved. The owner or operator initiates a modification by application to the Agency.
- b) Agency Initiated Modification.
 - 1) The Agency may modify a permit under the following conditions:
 - A) Discovery of a typographical or calculation error;
 - B) Discovery that a determination or condition was based upon false or misleading information;
 - C) An order of the Board issued in an action brought pursuant to Title VIII, IX or X of the Act; or
 - D) Promulgation of new statutes or regulations affecting the permit.
 - 2) Modifications initiated by the Agency will not become effective until 45 days after receipt by the owner or operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in Section 1100.403 of this Part apply. The owner or operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 1100.406 of this Part. All other time periods and procedures in Section 1100.403 of this Part apply.

Section 1100.411 Procedures for the Renewal of Permits

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- a) **Time of Filing**
An application for the renewal of a permit must be filed with the Agency at least 90 days prior to the expiration date of the existing permit.
- b) **Effect of Timely Filing**
When a permittee has made timely and sufficient application for the renewal of a permit, the existing permit must continue in full force and effect until the final Agency decision on the application has been made and any final Board decision on any appeal pursuant to Section 40 has been made unless a later date is fixed by order of a reviewing court. (See Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].)
- c) **Information Required for Permit Renewal**
The owner or operator must submit only the information required under Subpart C of this Part that has changed since the last permit review by the Agency. The application for renewal must be signed in accordance with the signature requirements of Section 1100.303 of this Part.
- d) **Procedures for Permit Renewal**
Applications for permit renewal are subject to all requirements and time schedules in Sections 1100.402 through 1100.409 of this Part.

Section 1100.412 Procedures for Closure and Postclosure Maintenance

- a) **Notification of Receipt of Final Volume**
Within 30 days after the date the final volume of CCDD is received, the owner or operator must notify the Agency in writing of the receipt of the final volume of CCDD.
- b) **Certification of Closure**
 - 1) When the closure of the facility is complete, the owner or operator must submit to the Agency:
 - A) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.

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- B) An affidavit by the owner or operator and the seal of a professional engineer that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.
- 2) When the Agency determines, pursuant to the information received pursuant to subsection (b)(1) of this Section and any Agency site inspection, that the facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:
 - A) Issue a certificate of closure; and
 - B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.
- c) Termination of the Permit
 - 1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a professional engineer and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:
 - A) Vegetation has been established on all nonpaved areas;
 - B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary; and
 - C) The owner or operator has completed all requirements of the postclosure maintenance plan.
 - 2) Within 90 days after receiving the certification required by subsection (c)(1) of this Section, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1) of this Section and any Agency site inspection, that continued postclosure

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maintenance is required pursuant to the postclosure maintenance plan and this Part.

- 3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section is deemed a denial or grant of permit with conditions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3) Section Number: 690.530 Adopted Action:
Amended
- 4) Statutory Authority: Implementing and authorized by the Communicable Disease Report Act [745 ILCS 45] and the Department of Public Health Act [20 ILCS 2305]
- 5) Effective Date of Rulemaking: August 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: August 26, 2005; 29 Ill. Reg. 13196
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Recommendations issued by the U.S. Centers for Disease Control and Prevention (CDC) and the American Association of Blood Banks request that cases of West Nile virus (WNV) infection in individuals who had onset of symptoms within 2 weeks of blood or organ donation be reported to the CDC through state and local health departments. This rulemaking requires local health departments to provide information and data to blood collection facilities about donors who subsequently develop illness due to West Nile virus.

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed From This Part

SUBPART B: REPORTING

Section	
690.200	Reporting

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case or Cluster of Cases That May Indicate a Public Health Hazard (Reportable by telephone as soon as possible, within 24 hours)
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.320	Anthrax (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
690.325	Blastomycosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.327	Botulism, Foodborne, Infant, Wound, Other (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease for foodborne or within 24 hours for other types)
690.330	Brucellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.335	Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)

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- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)
- 690.380 Diphtheria (Reportable by telephone as soon as possible, within 24 hours)
- 690.385 Ehrlichiosis, Human Granulocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.386 Ehrlichiosis, Human Monocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.400 Enteric Escherichia coli Infections (E. coli: 0157:H7 and Other Enterohemorrhagic E. coli, Enterotoxigenic E. coli, and Enteropathogenic E. coli) (Reportable by telephone as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus influenzae, Meningitis and Other Invasive Disease (Reportable by telephone, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone as soon as possible, within 24 hours)
- 690.451 Hepatitis B (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.452 Hepatitis C Infection (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon

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- as possible, within 7 days)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.480 Leprosy (Hansen's Disease) (infectious and non-infectious cases are reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.495 Listeriosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.570 Plague (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone as soon as possible, within 24 hours)
- 690.590 Psittacosis (Ornithosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.595 Q-fever (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure (Reportable by telephone, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable

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- 690.630 by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone,
facsimile or electronically as soon as possible, within 7 days)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as
possible, within 7 days)
- 690.650 Smallpox (Reportable by telephone immediately, within 3 hours upon initial
clinical suspicion of the disease)
- 690.655 Smallpox, complications of vaccination for (Reportable by telephone or
electronically as soon as possible, within 24 hours)
- 690.660 Staphylococcus aureus Infections Occurring In Infants Under 28 Days of Age
Within a Health Care Institution or With Onset After Discharge (Reportable by
mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.661 Staphylococcus aureus Infections with Intermediate or High Level Resistance to
Vancomycin (Reportable by telephone, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Toxic Shock
Syndrome) and Sequelae to Group A Streptococcal Infections (rheumatic fever
and acute glomerulonephritis)(Reportable by telephone, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3
months) (Reportable by mail, telephone, facsimile or electronically, within 7
days)
- 690.678 Streptococcus pneumoniae, Invasive Disease (Including Antibiotic Susceptibility
Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7
days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Staphylococcus aureus Infection, Toxic Shock Syndrome (Reportable by mail,
telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or
electronically as soon as possible, within 7 days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone immediately, within 3 hours upon initial
clinical suspicion of the disease)
- 690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone as soon as possible, within 24 hours)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within
24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within 7
days)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone

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immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART D: DEFINITIONS

Section
690.900 Definition of Terms

SUBPART E: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases
690.1010 Incorporated Materials

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at

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18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006.

SUBPART C: DETAILED PROCEDURES FOR THE
CONTROL OF COMMUNICABLE DISEASES**Section 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)**

- a) Incubation Period Varies with the specific infectious agent.
- b) Control of Case.
 - 1) Enteric precautions (Section 690.1010(a)(1)) or equivalent isolation procedures (Section 690.1010(a)(13)) are indicated for 7 days after onset of illness unless a non-enteroviral diagnosis is established.
 - 2) Concurrent disinfection is required of eating and drinking utensils and articles soiled by excretions and secretions of patient. (See Section 690.1000(e)(1).)
 - 3) Local health departments shall inquire of all persons for whom a West Nile virus test result is positive about recent blood donation. If such a donation took place in the two weeks prior to onset of symptoms, the local health department shall notify the director of the donation facility of the donor's name, date of birth, sex, zip code, state of residence, date of donation, date of illness onset and arboviral test results. Patient information, including test results received by donation facilities, shall be confidential.
- c) Control of Contacts. There are no restrictions for contacts.
- d) General Measures.
 - 1) During summer months, cases should have acute and convalescent serum specimens collected and tested for arbovirus antibodies. Cerebrospinal fluid should also be submitted to the State laboratory for arboviral and

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enteroviral studies.

- 2) An environmental investigation should be performed by the local health authority at sites of possible mosquito exposure of a case of California encephalitis to eliminate mosquito breeding sites, such as discarded tires.
 - 3) Persons should be encouraged to use proper hand washing procedures.
- e) Laboratory Reporting.
- 1) Laboratories are required to report to the local health authority meningitis patients from whom a virus was cultured.
 - 2) Laboratories are required to submit virus isolates from meningitis patients to the Department's laboratory for typing.
 - 3) Laboratories are required to report persons with suspected meningitis who also have pleocytosis of the cerebrospinal fluid, even in the absence of a positive culture. Local health authorities will then investigate to determine if the case represents a reportable form of meningitis or if additional specimens need to be collected to determine if the case may be an arboviral infection.
 - 4) Between June 15 and October 31 laboratories are required to forward cerebrospinal fluid (CSF) specimens from patients with aseptic meningitis for arboviral testing and enterovirus culture.
- f) Reporting of Cases. An individual case report form and a morbidity card supplied by the Department are required to be submitted by the local health authority for all reportable meningitis cases.
AGENCY NOTE: Laboratory efforts to identify the etiologic agent should be made.

(Source: Amended at 30 Ill. Reg. 14565, effective August 23, 2006)

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- 1) Heading of the Part: Match Rival
- 2) Code Citation: 11 Ill. Adm. Code 315
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
315.10	Amend
315.20	Amend
315.30	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2006
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 8108; May 5, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: This rulemaking will permit more flexibility in the method in which winning selections are assigned point values. Under this rulemaking, other methods of point distribution will be an option, such as 5 points for win, 3 points for place, and 1 point for show. Another option may be to assign the pari-mutuel payoff for the winner for each race and total up those prices to determine the winner. This variation of the Match Rival will afford racetracks the opportunity to enhance the wagering product.

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

Illinois Racing Board
Attn: Mickey Ezzo
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 315
MATCH RIVAL

Section

315.10

General

315.20

Pool Distribution

315.30

Scratches

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6579, effective May 19, 1997; amended at 22 Ill. Reg. 2214, effective January 1, 1998; amended at 30 Ill. Reg. 14574, effective September 1, 2006.

Section 315.10 General

- a) The match rival wager requires the selection of the winning contestant in a competition between two or more equally matched betting interests or based on the sportsmanship and/or skill of the jockeys/drivers and/or trainers in a designated contest or series of contests regardless of the official placing of the other betting interests in that contest or series of contests. The match rival wager shall be calculated in an entirely separate pool.
- b) Match rival wagers shall not be sold in denominations of less than \$2.
- c) The match rival rules shall be prominently displayed in the official program each day the match rival wager is offered.
- d) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name that will be used.
- e) The Racing Secretary, with the ~~advice~~ advise and consent of the stewards, shall determine the contestants for each match rival contest. The matching of contestants for the match rival shall be limited to horse versus horse, jockey versus jockey, driver versus driver and/or trainer versus trainer.

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- f) The contestants chosen for the match rival wager shall be conspicuously identified in the official program.
- g) The organization licensee shall deduct the appropriate take-out and taxes as established in the Illinois Horse Racing Act of 1975 Aet. Match rival wagers consisting of a single contest shall be considered a single wager. Match rival wagers consisting of two contests shall be considered a feature wager. Match rival wagers consisting of three or more contests shall be considered a multiple wager.
- h) The organization licensee may select one of the following methods for conducting its match rival pool. The method selected, as well as the payouts used and points assigned, shall be conspicuously identified in the official program.
- 1) Method 1, a single contest determined by the first to arrive at the finish line;
 - 2) Method 2, a series of contests determined by the first to arrive at the finish line;
 - 3) Method 3, a series of contests determined by the total accumulated points based on the finish order of the contests; or
 - 4) Method 4, a series of contests determined by the total accumulated points based on the on-track pari-mutuel payoff of the contests. Either the win, win and place, or win, place and show payouts may be used.

(Source: Amended at 30 Ill. Reg. 14574, effective September 1, 2006)

Section 315.20 Pool Distribution

The net match rival pool shall be distributed to winning wagers based upon the official order of finish as a single price pool to those whose selection arrives at the finish line first in a single contest or contains the most winners or has accumulated the highest point total in a series of contests.

- a) In the event ~~all both~~ contestants in this wager fail to finish in a single event contest or the contest is cancelled or declared no contest, the entire match rival pool shall be refunded ~~for that wager~~.

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- b) In a series of contests of a match rival wager, more than half of the contests must be completed or the entire wager shall be ~~cancelled~~~~anceled~~ and the entire match rival pool refunded.
- c) In the event there is a dead heat in a single event contest in which there are only two contestants, the entire pool shall be refunded for that wager. In the event there is a dead heat in a single event in which there are three or more contestants, or in one or more races in a series of contests, all contestants involved in the dead heat shall be considered winners.
- d) ~~In the event any contestant is scratched or declared a non-starter by the Stewards in any match rival contest, that contest shall be cancelled.~~

(Source: Amended at 30 Ill. Reg. 14574, effective September 1, 2006)

Section 315.30 Scratches

- a) In a single event contest, if any betting contestant is scratched or declared a non-starter by the Stewards, all wagers including the scratched contestant shall be refunded. If less than two valid betting interests remain, the contest shall be cancelled and all wagers refunded.
- b) In a series of contests where the method of selecting the first to arrive at the finish line is used, or where the method of total accumulated points based on the finish order of the contests is used, in the event any contestant is scratched or ~~declared~~ a non-starter by the Stewards, then that particular contest in the series shall be cancelled. If ~~fewer~~ than two valid betting interests remain, the contest shall be cancelled and all wagers refunded.
- c) In a series of contests where the method of the total accumulated points based on the on-track pari-mutuel payout is used, in the event any contestant is scratched or ~~declared~~ a non-starter by the Stewards ~~that~~ results in the contestants being a valid betting interest in zero contests, all wagers including the scratched contestant shall be refunded. If ~~fewer~~ than two valid betting interests remain, the contest shall be cancelled and all wagers refunded.
- d) In a series of contests where the method of the total accumulated points is used based on the pari-mutuel payout and the contestant is a jockey or driver, if there is a jockey or driver change in any contest and that horse wins the contest (in the

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context of this Section), then that particular contest in the series shall be cancelled.

(Source: Added at 30 Ill. Reg. 14574, effective September 1, 2006)

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- 1) Heading of the Part: Exacta Double
- 2) Code Citation: 11 Ill. Adm. Code 320
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
320.10	New
320.20	New
320.30	New
320.40	New
320.50	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 8114; May 5, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: These rules require the selection of the first two finishers, in exact order, in each of the two specified races. Scratches in the second leg after the first leg has run will result in a consolation payoff, much like the current Daily Double rule. Since this new wager requires two consecutive exactas, the increased payout possibilities should make this a wagering option for all levels of handicapping expertise.

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

Illinois Racing Board
Attn: Mickey Ezzo
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 320
EXACTA DOUBLE

Section	
320.10	General
320.20	Pool Distribution
320.30	Dead Heats
320.40	Scratches
320.50	Races Cancelled

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 30 Ill. Reg. 14580, effective September 1, 2006.

Section 320.10 General

- a) The exacta double requires the selection of the first two finishers, in exact order, in each of two specified contests.
- b) Exacta double wagers shall be calculated in an entirely separate pool.
- c) An organization licensee offering the exacta double wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
- d) Entries and fields shall be allowed in the exacta double without restriction.
- e) Exacta double wagers shall be considered a feature wager.

Section 320.20 Pool Distribution

The net exacta double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish.

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- a) As a single price pool to those who selected, in exact order, the first two finishers in each of the two exacta double contests; but if there are no such wagers, then
- b) As a profit split pool to those who selected, in exact order, the first two finishers in either of the two exacta double contests; but if there are no such wagers on one of those contests, then
- c) As a single price pool to those who selected, in exact order, the first two finishers in the one covered exacta double contest; but if there are no such wagers, then
- d) The entire pool shall be refunded on exacta double wagers for those contests.

Section 320.30 Dead Heats

- a) If there is a dead heat for first in either of the two contests involving:
 - 1) Contestants representing the same betting interest, the exacta double pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
 - 2) Contestants representing two or more separate betting interests, the exacta double pool shall be distributed as a profit split.
- b) If there is a dead heat for second in either of the two contests involving:
 - 1) Contestants representing the same betting interest, the exacta double pool shall be distributed as if no dead heat occurred.
 - 2) Contestants representing two or more betting interests, the exacta double pool shall be distributed as a profit split.

Section 320.40 Scratches

- a) Should a betting interest in the first half of the exacta double contest be scratched prior to the first exacta double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the exacta double pool and refunded.

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- b) Should a betting interest in the second half of the exacta double contest be scratched prior to the close of wagering on the first exacta double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the exacta double pool and refunded.
- c) Should a betting interest in the second exacta double contest be scratched after the close of wagering on the first exacta double contest, all wagers combining the winning combination in the first exacta double contest with a combination including the scratched betting interest in the second exacta double contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net exacta double pool shall be divided by the total amount wagered on the winning combination in the first exacta double contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first exacta double contest combined with a combination including then scratched betting interest in the second exacta double contest to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net exacta double pool before calculation and distribution of the winning exacta double payout. In the event of a dead heat, the net exacta double pool shall be distributed as a profit.

Section 320.50 Races Cancelled

- a) If either of the exacta double contests is cancelled prior to the first exacta double contest, or the first exacta double contest is declared "no contest", the entire exacta double pool shall be refunded on exacta double wagers for those contests.
- b) If the second exacta double contest is cancelled or declared "no contest" after the conclusion of the first exacta double contest, the net exacta double pool shall be distributed as a single price pool to wagers selecting, in exact order, the first two finishers in the first exacta double contest. If there are no wagers selecting the winning combination in the first exacta double contest, the entire exacta double pool shall be refunded on exacta double wagers for those contests.

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- 1) Heading of the Part: WPS Pick(n)
- 2) Code Citation: 11 Ill. Adm. Code 323
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
323.10	New
323.20	New
323.30	New
323.40	New
323.50	New
323.60	New
323.70	New
323.80	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 8119; May 5, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these rules replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking will require selecting either the win, place or show finishers in each of a series of races. For example, in a six-leg wager,

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the first three races may require selecting the show finishers. The next two races may require the selection of the place finishers. Finally, the last leg may require the selection of the winner. The new wager will allow for many more of the fans to be "live" after each leg, increasing interest and participation in a wager that offers the chance for substantial payouts.

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

Illinois Racing Board
Attn: Mickey Ezzo
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 323
WPS PICK (N)

Section	
323.10	General
323.20	Pool Distribution
323.30	Dead Heats
323.40	Scratches
323.50	Races Cancelled
323.60	Carryover Cap
323.70	Mandatory Distribution
323.80	Disclosure

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 30 Ill. Reg. 14585, effective September 1, 2006.

Section 323.10 General

- a) The WPS (win, place, show) Pick (n) requires selection of a winning contestant in each of a designated number of contests. Each individual contest in the WPS Pick (n) will be designated as a win contest, place contest, or show contest.
- b) A win contest requires the selection of the first place finisher, a place contest requires the selection of a first or second place finisher, and a show contest requires the selection of a first or second or third place finisher.
- c) The organization licensee shall designate the number of contests, whether each individual contest is a win, place, or show contest, and the method for pool calculation prior to the start of its meet.
- d) The organization licensee shall submit, in writing, its intent to offer the WPS Pick (n) wager to the State Director of Mutuels no later than 30 days prior to the start of its meet.

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- e) An organization licensee offering the WPS Pick (n) wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
- f) WPS Pick (n) wagers shall be calculated in an entirely separate pool.

Section 323.20 Pool Distribution

The organization licensee may select one of the following methods for conducting its WPS Pick (n) pool. As used in this Part, "major pool" is defined as 75% of the daily net pool and "minor pool" is defined as 25% of the daily net pool. Any deviation from the major/minor pool percentage division must be approved by the State Director of Mutuels.

- a) Method 1, WPS Pick (n) with Carryover: The net WPS Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests and the remainder shall be added to the carryover.
- b) Method 2, WPS Pick (n) with Minor Pool and Carryover: The major share of the net WPS Pick (n) pool and the carryover, if any, shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant of all WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests and the major share shall be added to the carryover.
- c) Method 3, WPS Pick (n) with No Minor Pool and No Carryover: The net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
- d) Method 4, WPS Pick (n) with Minor Pool and No Carryover: The major share of the net WPS Pick (n) pool shall be distributed to those who selected a winning

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contestant in the greatest number of WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in a second greatest number of WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. If the greatest number of winning contestants selected is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

- e) Method 5, WPS Pick (n) with Minor Pool and No Carryover: The major share of net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in all WPS Pick (n) contests, the entire net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. If there are no wagers selecting a winning contestant in a second greatest number of WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected a winning contestant in each of the WPS Pick (n) contests. If there are no winning wagers, the pool is refunded.
- f) Method 6, WPS Pick (n) with Minor Pool and Carryover: The net WPS Pick (n) pool and carryover, if any, shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in all WPS Pick (n) contests, two-thirds of the net pool (major pool) or one-half of the total gross pool, whichever is greater, shall be distributed as a single price pool to those who present a valid pari-mutuel wager for that WPS Pick (n) pool and the remaining one-third of the net pool shall be added to the carryover. The minimum pay-off provisions contained in 11 Ill. Adm. Code 405.130 shall not apply when distributing the major pool in this pool calculation.

Section 323.30 Dead Heats

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- a) If there is a dead heat for first, second, or third in any of the WPS Pick (n) contests involving contestants representing the same betting interest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- b) If there is a dead heat for first in any of the WPS Pick (n) contests designated as a win contest involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- c) If there is a dead heat for first in any of the WPS Pick (n) contests designated a place or show contest involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- d) If there is a dead heat for second in any of the WPS Pick (n) contests designated as a win or show contest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- e) If there is a dead heat for second in any of the WPS Pick (n) contests designated as a place contest, involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager including each betting interest that finished first or any betting interest involved in the dead heat for second.
- f) If there is a dead heat for third in any of the WPS Pick (n) contests designated as a win or place contest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- g) If there is a dead heat for third in any of the WPS Pick (n) contests designated as a show contest, involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager including each betting interest that finished first or second or any betting interest involved in the dead heat for third.

Section 323.40 Scratches

Should a betting interest in any of the WPS Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce

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reports showing each of the wagering combinations with substituted betting interests that became winners as a result of the substitution, in addition to the normal winning combination.

Section 323.50 Cancelled Races

- a) The WPS Pick (n) pool shall be cancelled and all WPS Pick (n) wagers for the individual performance shall be refunded if:
 - 1) At least two contests included as part of a WPS Pick 3 are cancelled or declared "no contest".
 - 2) At least three contests included as part of a WPS Pick 4 or WPS Pick 5 are cancelled or declared "no contest".
 - 3) At least four contests included as part of a WPS Pick 6 or WPS Pick 7 are cancelled or declared "no contest".
 - 4) At least five contests included as part of a WPS Pick 8 or WPS Pick 9 are cancelled or declared "no contest".
 - 5) At least six contests included as part of a WPS Pick 10 or WPS Pick 11 are cancelled or declared "no contest".
- b) If at least one contest included as part of a WPS Pick (n) is cancelled or declared "no contest", but not more than the number specified in subsection (a), the net pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the WPS Pick (n) carryover but not the carryover from previous performances.

Section 323.60 Carryover Cap

The WPS Pick (n) carryover may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the WPS Pick (n) carryover equals or exceeds the designated cap, the WPS Pick (n) carryover will be frozen until it is won or distributed under Section 323.70. After the WPS Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the WPS Pick (n) carryover, shall be distributed to those who selected a winning contestant in the greatest number of WPS Pick (n) contests for that performance.

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Section 323.70 Mandatory Distribution

- a) A written request for permission to distribute the WPS Pick (n) carryover on a specific performance may be submitted to the State Director of Mutuels. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- b) Should the WPS Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting a winning contestant in each of the WPS Pick (n) contests, the entire pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. The WPS Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).
 - 2) Upon written approval from the State Director of Mutuels when there is a change in the carryover cap, a change from one type of WPS Pick (n) wagering to another, or the WPS Pick (n) is discontinued.
 - 3) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- c) If, for any reason, the WPS Pick (n) carryover must be held over to the corresponding WPS Pick (n) of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Sate Director of Mutuels. The WPS Pick (n) carryover plus accrued interest shall then be added to the net WPS Pick (n) pool of the following meet on a date and performance designated by the State Director of Mutuels.
- d) With written approval of the Board, the organization licensee may contribute to the WPS Pick (n) carryover a sum of money up to any cap designated by the Board.

Section 323.80 Disclosure

The organization licensee may display potential distribution to ticket holders depending on the outcome of the appropriate WPS Pick (n) contest.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Employer Training Investment Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2650.20	Amendment
2650.40	Amendment
- 4) Statutory Authority: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/6054-800 and 605-95]
- 5) Effective Date of Emergency Amendments: August 24, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an earlier expiration date.
- 7) Date Filed with the Index Department: August 24, 2006
- 8) The Department maintains a copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The new Illinois Film Tax Credit requires production companies to promote diversity by making a "good-faith" effort to hire a percentage of minorities. They must also submit a diversity plan setting forth proactive steps they will take in achieving a crew that represents the diversity of the State. Because work in this industry is project-based, current program rules do not allow for funding of these types of jobs. The proposed changes will allow us to fund training of individuals within the film industry, specifically minority groups that were previously under-represented.

The biosciences are targeted as a key sector by the Illinois Department of Commerce and Economic Opportunity, which funds a series of regionally based Illinois Technology Enterprise Centers (ITECs) charged to develop early-stage businesses. Illinois recently added State resources to the pre-seed fund operated by an affiliate of the University of Illinois, and Governor Rod Blagojevich ordered the Department of Public Health to commit \$10 million to a re-grant program for stem cell research, including embryonic. In addition, a new private sector bioscience park was announced for a former Pfizer campus in Skokie. The proposed amendments will allow us to respond immediately to the increased workforce demands of this growing industry.

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- 10) A Complete Description of the Subjects and Issues Involved: Amending the aforementioned Sections will allow us to fulfill the purpose of the program, which is to enhance employment opportunities for Illinois citizens. The changes will expand the parameters of the program to help minorities train in the film industry in anticipation of job opportunities created by an extension of the Illinois Film Production Tax Credit. In addition, they will afford us the opportunity to assist start-up bioscience companies in Illinois who often rely heavily on graduate students to work in their companies—providing high quality labor for small companies and an excellent work experience for Illinois' college students.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 13) Information and questions regarding these emergency amendments shall be directed to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield IL 62701

Telephone: 217/557-1820
Fax: 217/782-0038
e-mail: jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER III: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 2650

EMPLOYER TRAINING INVESTMENT PROGRAM

SUBPART A: GENERAL REQUIREMENTS

Section

2650.10 Purpose
2650.20 Definitions

[EMERGENCY](#)

2650.30 Eligible Applicants and Training Activities
2650.40 Allowable Costs

[EMERGENCY](#)

2650.50 Grant Administration Requirements
2650.60 Nondiscrimination
2650.70 Selection for Funding (Recodified)
2650.80 Allowable Costs (Recodified)
2650.90 Grant Administration Requirements (Recodified)
2650.100 Nondiscrimination (Recodified)

SUBPART B: SINGLE COMPANY APPLICANTS

Section

2650.110 Application Procedures
2650.120 Application Documentation
2650.130 Application Evaluation
2650.140 Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY
EDUCATION INSTITUTION APPLICANTS

Section

2650.210 Application Procedures (Repealed)
2650.220 Application Documentation (Repealed)
2650.230 Application Evaluation (Repealed)
2650.240 Selection for Funding (Repealed)
2650.250 Reporting Requirements (Repealed)

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SUBPART D: MULTI-COMPANY AND MEMBERSHIP
TRAINING PROJECT APPLICANTS

Section

2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding
2650.350	Administrative Requirements (Repealed)

AUTHORITY: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95].

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1995; amended at 21 Ill. Reg. 12124, effective August 26, 1997; amended at 25 Ill. Reg. 2987, effective February 9, 2001; amended at 29 Ill. Reg. 10047, effective June 28, 2005; emergency amendment at 30 Ill. Reg. 14593, effective August 24, 2006, for a maximum of 150 days.

SUBPART A: GENERAL REQUIREMENTS

Section 2650.20 Definitions**EMERGENCY**

Director – The Director of the Department of Commerce and Economic Opportunity.

Employee Training – Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer or other eligible grant recipient on behalf of employers, which are intended to provide employees with the skills required to perform their current job or as a condition of continued employment. The employee skill requirements are established by the employer or participating employers and may include basic, technical and managerial skills.

Grantee – Any program applicant whose proposal is funded by the Department through a grant.

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Labor Organization – Any collective bargaining unit or any labor entity formed by collective bargaining units such as state labor councils, district labor councils, local central labor councils and international unions as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Large Company – A company with facilities in Illinois that employs at least 250 full-time employees. If the grant amount is less than \$100,000, the Department shall serve the grantee as a Small to Mid-Sized Company, regardless of size, in circumstances where a grantee would be unduly burdened with the reporting requirements imposed on large companies based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

Large Manufacturers Supplier Network – Any company located or with facilities in the State of Illinois which supplies products or services to an original equipment manufacturer or large manufacturing assembly facility in Illinois.

Large Multi-Company Training Project – Any project submitted for the benefit of more than two companies that addresses the common employee training, retraining or skills upgrading needs identified by participating companies. The majority of companies participating in the project shall be large. High Volume Multi-Company Projects (\$500,000 or more) and Large Manufacturers Supplier Network Projects, regardless of the size of the participating company, shall also be included in this definition. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

Location Activities – Activities necessary to retain existing companies and to attract new companies to Illinois (e.g., training). All location training incentives, regardless of company size, will be treated as large companies for programmatic purposes.

New Employee – An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

Planned Permanent Expansion – Any of the following will apply:

Permanent increase in the workforce (no minimum number of new jobs required);

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Addition of new product line or expansion of existing product line; or

New capital investment in machinery or equipment.

Retention Activities – Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining,

Retraining – The training of an employee with the intent that the employee will learn to perform a significantly different type of job than was previously held by that employee.

Small to Mid-Sized Company – A company with facilities in Illinois that employs fewer than 250 full-time employees. If the grant amount is greater than or equal to \$100,000, or if the grant is in connection with a development assistance package subject to applicable recapture provisions pursuant to Section 25 of the Corporate Accountability for Tax Expenditures Act [20 ILCS 715/25], the Department shall serve the grantee as a large company, regardless of size, in circumstances where a grantee would be better served as a large company based on variables including, but not limited to: amount of grant; previous experience; number of employees at start and end of training; term of grant; and number of trainees.

Small to Mid-Sized Multi-Company Training Project – Any project submitted for the benefit of more than two companies that addresses common employee training, retraining or skills, upgrading needs identified by participating companies. The majority of companies participating in the project shall be small to mid-sized. The participating companies shall not include units of local, municipal, home rule, county, State or federal government or government agencies or government-operated facilities.

Strategic Business Partnership – A formal or informal agreement between more than two businesses with facilities in Illinois where an objective of the partnership is to address employee training or other common workforce development issues among the participating businesses.

Trainee – A full-time existing or newly-hired employee of a company who is participating in a training, retraining or skills upgrading program. Part-time, seasonal, temporary and/or contractual employees [are not precluded from being](#) considered trainees for program reimbursement.

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Upgrade Training – The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 14593, effective August 24, 2006, for a maximum of 150 days)

Section 2650.40 Allowable Costs**EMERGENCY**

- a) Grants for employee training to single companies will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant Agreement. The Agreement includes the following sections, all of which are incorporated and made part of the Agreement: (I) Grantee's Approved Budget, (II) Special Grant Conditions, (III) Grantee's Scope of Work, (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. Allowable costs for single company training projects include:
 - 1) Instructor costs, including wages, fringe benefits and travel expenses.
 - 2) Costs for tuition and educational fees.
 - 3) Training materials.
 - 4) Rent or lease of training equipment and/or facilities.
 - 5) Other usual and customary training costs.
 - 6) Trainee travel expenses.
 - 7) Trainee wages and fringe benefits.
 - 8) Audit costs.
- b) Grants for multi-company or membership training projects will allow for reimbursement or payment on the terms and conditions agreed to between the grantee and the Department through the execution of a Notice of Grant

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Agreement. The Agreement includes the following sections, all of which are incorporated and made part of the Agreement: (I) Grantee's Approved Budget, (II) Special Grant Conditions, (III) Grantee's Scope of Work, (IV) Program Terms and Conditions, (V) General Provisions, and (VI) Required Certifications. No grant shall exceed 50% of the total approved training costs. ~~For the multi-company training projects, the Department requires that a minimum of 50% of the local contribution be a direct cash contribution toward the training project by the companies participating in the training project.~~ Allowable costs for multi-company or membership training projects include:

- 1) Administrative costs of tracking, documenting, reporting, auditing and processing training funds or project costs. Administrative costs must be reasonable and shall not exceed 15% of the total approved direct training expenditures, including indirect costs.
- 2) Costs of curriculum development. The Department will only reimburse for the costs of curriculum development when such curricula are judged by the Department as being of benefit to multiple Illinois employers and such curricula will be considered to be in the public domain.

The Grantee shall include the following statement in all written materials produced in whole or in part by funds awarded under this Grant Agreement: "This publication and material were supported in whole or in part by an Employer Training Investment Program grant awarded by the Illinois Department of Commerce and Economic Opportunity. Representations made by this publication and material do not necessarily reflect the opinions and conclusions of the Department."

The Department reserves the right to request at least one copy of all training materials used by the Grantee or any subcontractor for training which is eligible for reimbursement under the grant. The Department will not distribute any proprietary information nor circulate any training materials without the expressed consent of the Grantee or subcontractor with the exception of those materials which are developed in whole or in part with State funds.

- 3) Training materials, including manuals, workbooks, videotapes and other materials that are used for training purposes only. Any item that can be depreciated will not be considered to be training materials.

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- 4) Instructor costs, including wages, fringe benefits, and travel expenses.
- 5) Rent or lease of training equipment and/or facilities.
- 6) Other usual and customary training costs.
- 7) [Trainee wages and fringe benefits.](#)

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 14593, effective August 24, 2006, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
672.100	Amendment
672.105	Amendment
672.210	Amendment
672.220	Amendment
672.400	Amendment
672.405	Amendment
672.425	Amendment
672.505	Amendment
672.510	Amendment
672.515	Amendment
672.520	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with WIC Vendor Management regulations.
- 5) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].
- 6) Effective Date: September 1, 2006
- 7) A Complete Description of the Subjects and Issues involved: In accordance with federal regulations, this rulemaking revises the WIC Vendor Management Code.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: August 25, 2006
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed rulemakings pending on this Part? No

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- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 672
WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	
672.100	Definitions
672.105	Incorporated and Referenced Materials
672.110	Purpose
672.115	Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section	
672.200	Geographic Distribution and Number of Vendors
672.205	Application Procedures
672.210	Authorization Criteria and Procedures
672.215	WIC Food List and Quantities
672.220	Criteria for Denial of Authorization
672.225	Denial of Authorization

SUBPART C: WIC VENDOR EDUCATION

Section	
672.300	Initial WIC Retail Training by the Department
672.305	Initial WIC Retail Training by a Vendor
672.310	Annual WIC Retail Training Program
672.315	Compliance Training Workshop (Repealed)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section	
672.400	Authorization
672.405	WIC Vendor Contract Requirement
672.410	Expiration of WIC Vendor Authorization and Contract
672.415	Food Instrument Processing

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672.420	Specifications for Rejection of Food Instruments
672.425	WIC Retail Vendor Responsibilities
672.430	Payment Obligation
672.435	Conflict of Interest
672.440	Unlawful Discrimination
672.445	Amendments Resulting From a Change in Statute or Regulation
672.450	Assignment or Transfer
672.455	Civil Law Suits
672.460	Voluntary Withdrawal from the WIC Vendor Contract
672.465	Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section	
672.500	Compliance Monitoring Inspections
672.505	Federally Mandated Vendor Sanctions
672.510	State Agency Vendor Sanctions
672.515	Vendor Rights Regarding Notice and Appeal
672.520	Breach of Contract
672.525	Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN
ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section	
672.600	Hearings
672.605	Parties to Hearings (Repealed)
672.610	Appearance and Representation of a Party
672.615	Commencement of an Action (Repealed)
672.620	Motions (Repealed)
672.625	Discovery (Repealed)
672.630	Form of Papers (Repealed)
672.635	Service (Repealed)
672.640	Pre-Hearing Conferences (Repealed)
672.645	Conduct of Hearings (Repealed)
672.650	Subpoenas (Repealed)
672.655	Burden of Proof (Repealed)
672.660	Administrative Law Judge's Report and Final Decision (Repealed)
672.665	Records of Proceedings (Repealed)
672.670	Miscellaneous (Repealed)

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NOTICE OF PEREMPTORY AMENDMENTS

672.APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. 16086, effective November 20, 1995; amended at 21 Ill. Reg. 3960, effective March 15, 1997; recodified from the Department of Public Health to the Department of Human Services at 21 Ill. Reg. 9323; emergency amendment at 22 Ill. Reg. 3127, effective January 22, 1998, for a maximum of 150 days; emergency expired on June 20, 1998; amended at 22 Ill. Reg. 18960, effective October 1, 1998; emergency amendment at 23 Ill. Reg. 4553, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10843, effective August 23, 1999; amended at 24 Ill. Reg. 7509, effective May 1, 2000; amended at 26 Ill. Reg. 15001, effective October 1, 2002; preemptory amendment at 30 Ill. Reg. 14602, effective September 1, 2006.

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions

"Act" means the WIC Vendor Management Act [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Secretary to preside at an Administrative Hearing.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation applying to be a WIC Retail Vendor.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

["Approved Source" means a wholesaler, retailer or manufacturer of infant formula listed by the Department as an approved purchase point for infant formula.](#)

"Authorization" means the approval of an Applicant who has met the WIC

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Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the Illinois Department of Human Services. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Education Visit/Visit" means a survey of an applicant/Vendor site where the monitor and the designated store representative review the criteria for authorization as a retail WIC Vendor.

"Expired Food" means WIC approved infant formula available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item labeled as "use before" date, printed on the item.

["Fifty Percent Vendor" means any vendor that makes more than half of its Food Stamp eligible sales from the transaction of WIC food instruments.](#)

"Fine" means an amount of money imposed as a penalty.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency

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that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

["Food Stamp Eligible Sales" means revenue from food that may legally be purchased with the Food Stamp Link Card.](#)

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

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

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Limited Liability Company" means a company organized and existing under the Limited Liability Company Act [805 ILCS 180].

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breast feeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

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"Participant Access" means the determination by the Department as to the availability of authorized Vendors within a geographic area.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item including any sales price or discounts. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Probation" means a period of time during which the Vendor will be under increased scrutiny by the Department.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Secretary" means the Secretary of the Illinois Department of Human Services or designee.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a

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type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Consumer Service, Special Supplemental Nutrition Program for Women, Infants, and Children (7 CFR 246 (1999)).

~~"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.~~

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be

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nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC [Retail Vendor Contract](#) or WIC Vendor Agreement" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives. [A valid WIC Retail Vendor Contract is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application. It authorizes the contractor to operate as a WIC Vendor.](#)

"Women, Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 USC 1786). (Section 3(a) of the Act)

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.105 Incorporated and Referenced Materials

- a) The following State rules and statutes are referenced in various Sections of this Part:
 - 1) The WIC Vendor Management Act [410 ILCS 255]
 - 2) The Illinois Purchasing Act [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)
 - 3) Sections 33E-3 and 33E-4 of the Criminal Code of 1961 [720 ILCS 5/33E-3 and 33E-4] (Section 672.210(a)(10))
 - 4) Section 2-102 of the Illinois Human Rights Act [755 ILCS 5/2-102] (Section 672.440)
 - 5) Administrative Hearings (89 Ill. Adm. Code 508).
- b) The following federal regulations are incorporated in various Sections of this Part:

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- 1) USDA WIC regulations – Special Supplemental Food Program for Women, Infants and Children (7 CFR 246 and as published in 64 Fed. Reg. 13311, effective March 18, 1999);
 - 2) USDA nondiscrimination regulations – Nondiscrimination (7 CFR 15); Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance (7 CFR 15a); and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance (7 CFR 15b) (Section 672.440).
- c) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.
- d) All citations to federal regulations in this Part concern the specified regulation in the January ~~2006~~¹⁹⁹⁸ Code of Federal Regulations, unless another date is specified.
- e) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1176.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1176)) by the public at the Department's Central Office, Office of Family Health, Bureau of Family Nutrition (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.210 Authorization Criteria and Procedures

- a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants, Proxies or Department Representatives. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any authorized Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:
 - 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.

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- 2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant, Proxy or Department Representative shall select WIC Foods during business hours.
 - A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.
 - B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.
- 3) Each Vendor Site listed in the Application shall have 70% or more gross receipts from the sale of non-alcoholic products and the percentage of sales revenue from food purchased with WIC food instruments shall not exceed fifty percent (50%) of total food stamp eligible food sales.
- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp Program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the 2 years preceding Application for Authorization as a WIC Retail Vendor.
- 5) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].
- 6) The Applicant or approved Vendor shall be barred from receiving State contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act [5 ILCS 385].
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as

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prohibited under Section 50-13 of the Illinois Procurement Code [30 ILCS 500/50-13].

- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than 7½% ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.
 - 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or federal funds or of any felony.
 - 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
 - 11) Neither the Applicant, Vendor, nor any owner of 30% or more ownership shall have been terminated or disqualified from the WIC Program in the previous 3 years.
 - 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.
 - 13) With the exception of a Pharmacy, if the Applicant is a current or former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other current or former Vendor Applicants and may be used as an Authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR 246.12(e)(2)).
- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:
- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
 - 2) The Applicant's proposed Vendor Site shall be visited by the Department.

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- A) The Department shall conduct an education visit of the proposed Vendor Site after receipt of a completed Application. Such a visit shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant. [The Department shall also review and document whether the infant formula maintained as inventory was purchased from an approved source.](#) Food products originating from WIC Food Centers or CSFP [or "expired" infant formula](#) shall not be counted towards the minimum quantities, sizes, and types of WIC Foods.
- B) If the education visit by the Department discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, and types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate or insufficient, a second visit shall be scheduled. If the second visit does not meet the requirements as stated above, the Application shall be denied.
- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and authorized Vendor.
- 4) The Applicant shall be notified by the Department, within 30 calendar days, whether the visit of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meets the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course waiver. (See Section 672.300.)
- 5) The Department shall conduct a price survey of the Applicant's WIC Foods. The cost of the WIC Foods will be compared to the Department Estimated Cost. If the Applicant's price exceeds the Department Estimated Cost by 25%, the Application shall be denied. Stores that apply as a "pharmacy" are exempt from competitive price analysis.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

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Section 672.220 Criteria for Denial of Authorization

A determination by the Secretary to deny Authorization shall be based upon a finding that 1 or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of a visit of the proposed Vendor Site. (See Section 672.210 (b)(2)(B)).
- c) The Applicant has refused to allow the Department access to visit the proposed Vendor Site during the Applicant's normal business hours.
- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:
 - 1) civil money penalty;
 - 2) suspension;
 - 3) disqualification;
 - 4) permanent disqualification.
- g) Failure to pay any fine or reimbursement within the time specified by the Department.
- h) [Qualifying as a "fifty percent vendor"](#).

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i) [The applicant has a disqualification, suspension or repudiation currently in effect pursuant to Section 672.505, 672.510 or 672.520 or has a pending hearing for such, pursuant to Section 672.600.](#)

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.400 Authorization

- a) Authorization. Upon successful completion of the process for Application or re-authorization, each Applicant or WIC Vendor who meets the criteria set forth in this Part shall be notified that they are approved for Authorization pending completion of a WIC Vendor Contract.
- b) Probationary Authorization.
 - 1) The Department may issue probationary WIC authorization to a Vendor for a period of time not longer than [ninety \(90\)thirty \(30\)](#) days from the date the probationary authorization is approved. This probationary authorization may be issued by the Department only if there are extenuating and unusual circumstances whereby the loss or lack of an authorized WIC Vendor in a certain area would cause an unnecessary hardship on WIC participants.
 - 2) The notice of a [ninety \(90\)thirty \(30\)](#) day probationary authorization shall state the reasons for the issuance of this interim contract and authorization. All requirements for full WIC authorization must be completed during this probationary period. All Sections of the WIC Act and Code will be in force during this probationary authorization period.
 - 3) Extenuating and unusual circumstances shall include but not be limited to:
 - A) natural disasters; and
 - B) change in ownership involving 10 or more stores formed under the same corporate entity. In this situation, the new owner must notify the Department as soon as possible or no later than two (2) weeks

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prior to the date of change of ownership. This notification must be made by certified mail stating the names and locations of store sites.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director consistent with USDA WIC Regulations (7 CFR 246.12(f)(1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.
- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications at least once every three (3) years.
- c) WIC Vendors appealing an order to disqualify and/or to repudiate the Contract at the time of annual expiration of the WIC Vendor Contract will not be reauthorized. If the appeal is resolved in the Vendor's favor, the Vendor may reapply for authorization at that time, and may not be denied based on the prior disqualification, but only based on other reasons set forth in this Part.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.425 WIC Retail Vendor Responsibilities

- a) The Vendor shall monitor the WIC Foods approved by the USDA and shall furnish only the prescribed quantities, types and brands of food specified on the Food Instrument. Pharmacies or drug stores shall be exempt from the minimum stock requirements of those foods that are not in the infant package. However, these establishments must have the ability to supply special formula in the necessary quantities upon request within 24 hours.

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- b) The Vendor shall accept Food Instruments only within the time limits indicated on the Food Instruments and shall not receive payment for Food Instruments submitted before the "First Day to Use" or after the "Last Day to Use".
- c) The Vendor shall be responsible for payment and replacement of a lost, stolen or destroyed Vendor Number Stamp.
- d) The Vendor shall display the price of WIC Foods, charged to the general public, in clear view of customers, identifying the price of the specific WIC Food item.
- e) The Vendor shall provide WIC Foods to Participants, Proxies or Department Representatives at the same price or less than the price charged to non-WIC customers.
- f) The Vendor shall accept Food Instruments only from WIC Participants, Proxies or Department Representatives who present a WIC Participant Identification Card.
- g) The Vendor shall not issue a WIC Participant, Proxy or Department Representative any document (e.g., rain check) purporting to give the WIC Participant, Proxy or Department Representative the right to buy a WIC Food item or non-WIC Food item after the Food Instrument is signed by the Participant, Proxy or Department Representative. The Vendor shall not exchange any WIC Food item under any circumstances.
- h) The Vendor shall charge the Department sale prices. The value of coupons and discounts shall be deducted from the price charged to the Department. The Participant, Proxy or Department Representative shall not be given cash for the difference.
- i) The Vendor shall participate in an annual WIC training program as specified in Section 672.310.
- j) The Vendor shall be responsible for all Food Instruments accepted and processed for payment by current and former employees at the Vendor Site. The Vendor shall also be responsible for the accuracy of any information submitted to the Department by such employees. The Vendor shall be responsible for reviewing Food Instruments which have been accepted to make certain that the total cost does not exceed the posted shelf prices or the prices charged to non-WIC customers.

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- k) The Vendor shall abide by the USDA WIC Regulations, the Act, and this Part.
- l) The Vendor and his Business Entity shall be subject to review by the Department or USDA for the time period covering any present or previous Authorization. Documents to be maintained by the Vendor shall include but not be limited to:
- 1) Original purchase order, including purchase order date; and
 - 2) Original vendor invoices, showing date, showing date received, revealing description of items received, showing vendor model or item number, listing stock keeping unit identification number of item received (if different than the vendor unit ID number), listing quantity received by item, identifying item unit costs, furnishing item cost extension (item cost multiplied by item quantity received), and showing initials of employee receiving and counting inventory on behalf of store.
- The Vendor shall maintain all records of purchases, gross sales receipts, and invoices of all WIC and non-WIC Foods for a period not less than 3 years. The original of such records shall be made available to the Department or USDA upon reasonable request. The Vendor shall also provide the Department and USDA the opportunity to inspect all Food Instruments located at the Vendor Site or under the control of the Vendor.
- m) The Vendor shall respond truthfully and accurately to Department initiated requests for Retail Vendor Price Surveys, verification of ownership of the Business Entity or Vendor Site, proof of WIC and non-WIC purchases and sales, and proof of the volume of alcoholic beverage sales. Such responses shall be in writing and be provided within 15 calendar days after receipt of the Department's request.
- n) The Vendor shall maintain all refrigerated areas at temperature of 40 degrees F or below.
- o) The Vendor shall not exchange Food Instruments for any form of currency, or other items of value, nor provide the Participant, Proxy or Department Representative with any amount of currency or coin as change from a partial WIC Food transaction.
- p) The Vendor shall not seek restitution from WIC Participants, Proxies or Department Representatives for Food Instruments not paid by the Department or

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finances levied by the Department, a financial institution or the Department's contract bank. The Vendor shall not seek or receive restitution from the Department for monetary penalties for rejected Food Instruments.

- q) The Vendor shall not charge sales taxes for WIC Foods, as the Department is exempt from such tax under tax number E9984-0987-03.
- r) The Vendor shall reimburse the Department for any Food Instruments redeemed in violation of the USDA WIC Regulations, the Act, this Part or the WIC Vendor Contract.
- s) Neither Authorization as a WIC Vendor nor the WIC Vendor Contract constitutes employment between the Vendor and the Department as a State employee or provides eligibility for any employee benefits provided by the State of Illinois.
- t) The Vendor shall offer the same courtesies to WIC Participants, Proxies or Department Representatives as offered to other customers.
- u) When material information included in the Vendor's Application changes, the Vendor, by Certified Mail, shall notify the Department in writing, within 30 calendar days.
- v) The Vendor shall not deny a Participant, Proxy or Department Representative any WIC Foods indicated on the Food Instrument that the Vendor has in stock.
- w) Neither the Vendor, nor his employee, shall require that a Participant, Proxy or Department Representative exchange their selection of WIC Foods because the WIC Foods selected exceed the maximum value of the Food Instrument. Nor shall the Vendor request or accept any remuneration for the difference between the Participant selected WIC Foods and the maximum value of the Food Instrument.
- x) The vendor shall allow WIC Participants, Proxies or Department Representatives freedom to select any WIC Foods in stock at the Vendor Site.
- y) The Vendor shall not maintain in shelf stock any WIC Foods that meet the definition of "Expired Food". (See Section 672.100.)
- z) The Vendor shall not accept for payment or credit an unsigned Food Instrument.

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(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.505 Federally Mandated Vendor Sanctions

Vendors shall receive the following sanctions for the following violations as mandated by 7 CFR 246.12:

- a) Permanent disqualification:
 - 1) The Department shall permanently disqualify a Vendor convicted of:
 - A) trafficking in food instruments; or
 - B) selling firearms, ammunition, explosives, or controlled substances (as defined in section 802 of the Controlled Substances Act (21 USC 802), in exchange for Food Instruments.
 - 2) A vendor shall not be entitled to receive any compensation for revenues lost as a result of such violation.
 - 3) The Department shall impose a civil money penalty in lieu of a disqualification for a violation when it determines, in its sole discretion, and documents that:
 - A) Disqualification of the Vendor would result in inadequate Participant Access; or
 - B) The Vendor had, at the time of the violation, a policy and program in effect to prevent trafficking; and the ownership of the Vendor was not aware of, did not approve of, and was not involved in the conduct of the violation.
- b) Six year disqualification:

The Department shall disqualify a Vendor for six years for:

 - 1) one incident of buying or selling Food Instruments for cash (trafficking);
or

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- 2) one incident of selling firearms, ammunition, explosives or controlled substances as defined in 21 USC 802, in exchange for Food Instruments.
- c) Three year disqualification:
The Department shall disqualify a Vendor for three years for:
- 1) One incident of the sale of alcohol or alcoholic beverages or tobacco products in exchange for Food Instruments;
 - 2) A pattern of claiming reimbursement for the sale of an amount of specific supplemental food item that exceeds the store's documented inventory of that supplemental food item for a specified period of time;
 - 3) A pattern of charging WIC Participants [\(or their proxies or Department Representatives\)](#) more for supplemental food than non-WIC customers [and/or charging Participants more than the current shelf price, including any posted sale price or discount, and/or charging Participants more than what is permitted under the WIC Vendor Contractor ~~contract~~ price;](#)
 - 4) A pattern of receiving, transacting and/or redeeming Food Instruments outside of authorized channels, including the use of an unauthorized Vendor and/or unauthorized person;
 - 5) A pattern of charging for supplemental food not received by the Participant; or
 - 6) A pattern of providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 USC 802, in exchange for Food Instruments.

For the purpose of this Section, a "pattern" shall be activity that is repeated a significant number of times.

[For the purpose of determining a "pattern" of overcharging violations as set forth in Section 672.505\(c\)\(3\) and Section 672.505\(c\)\(5\), three or more instances of the activity described in Section 672.505\(c\)\(3\) and Section 672.505\(c\)\(5\) alone, or in combination with each other, within a period of eighteen months, shall be significant and constitute a pattern.](#)

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With regard to Section 672.505(c)(3), overcharges of 40 cents or more, or overcharges which constitute 7% or more of the total amount of sale of WIC Foods to the overcharged participant on that date, shall be considered significant for the purpose of determining a pattern. Charging for an item(s) not received, as set forth in Section 672.505(c)(5), shall be significant for the purpose of determining a pattern, regardless what amount is charged for the food item(s) not received.

- d) One year disqualification:
The Department shall disqualify a Vendor for one year for a pattern of providing unauthorized food items in exchange for Food Instruments, including charging for supplemental food provided in excess of those listed on the Food Instrument.
- e) Second sanction:
When a Vendor, who previously has been assessed a sanction for any of the violations in subsections (b) through (d) of this Section, receives another sanction for any of these violations, the Department shall double the second sanction. on for such violations, the Department shall double the third sanction and all subsequent sanctions for such violations.
- g) Disqualification based on a Food Stamp Program disqualification:
The Department shall disqualify a Vendor who has been disqualified from the Food Stamp Program. The disqualification shall be for the same length of time as the Food Stamp Program disqualification, may begin at a later date than the Food Stamp Program disqualification, and shall not be subject to administrative or judicial review under the WIC program.
- h) Voluntary withdrawal or non-renewal agreement:
The Department shall not accept voluntary withdrawal of the Vendor from the Program as an alternative to disqualification for the above-listed violations of this Section, but shall enter the disqualification on the record. In addition, the Department shall not use non-renewal of the Vendor agreement as an alternative to disqualification.
- i) Participant Access determinations:
 - 1) Prior to disqualifying a Vendor for a violation of subsections (b) through (d) or (g), the Department shall determine if disqualification of the Vendor would result in inadequate Participant Access.

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- 2) When making Participant Access determinations, the Department shall consider, at a minimum, the availability of other authorized Vendors within the same area as the violative Vendor and any geographical barriers to using such Vendors.
- j) Civil money penalty:
- 1) The Department may impose a civil money penalty in lieu of disqualification for violations in subsections (b) through (d) or (g) if the Department, in its sole discretion and documentation determines that disqualification of the Vendor would result in inadequate Participant Access.
 - 2) If a civil money penalty is imposed in lieu of disqualification it shall be calculated for each violation subject to sanction under this Section, using the formula set forth in 7 CFR 246.12(k)(l)(x).
 - 3) If a Vendor does not pay, or only partially pays, the penalty, the Department shall disqualify the Vendor for the length of the disqualification corresponding to the violation for which the civil money penalty was assessed (for a period corresponding to the most serious violation in cases where the federally mandated sanction includes the imposition of multiple civil money penalties as a result of a single investigation).
 - 4) Civil money penalties may be doubled for second sanctions under this Section up to the limits set forth in 7 CFR 246.12(k)(l)(x). Civil money penalties may not be imposed in lieu of disqualification for third or subsequent violations under this Section.
- k) Notification to Federal Food and Nutrition Service:
The Department shall provide the appropriate FNS office with a copy of the notice of administrative action, and information on Vendors it has disqualified or on whom it has imposed a civil money penalty in lieu of disqualification for any of the violations of this Section, within 15 days after the Vendor's opportunity to file for a WIC administrative review has expired or all the Vendor's WIC administrative reviews have been completed.
- l) Multiple violations during a single investigation:

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- 1) When during the course of a single investigation the Department determines a Vendor has committed multiple violations (which may include violations subject to State agency sanctions), the Department shall disqualify the Vendor for the period corresponding to the most serious federally mandated violation. However, the Department shall include all violations in the notice of administrative action.
- 2) An investigation shall be considered complete when, in the judgement of the Department, sufficient evidence exists to determine whether the Vendor is complying with program requirements.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.510 State Agency Vendor Sanctions

- a) State Major Violations
State major violations are violations that, in the determination of the Department, could result in harm to WIC Participants or the WIC Program. The following shall be considered major violations:
 - 1) Failure to maintain the minimum required quantity, size and type of foods of at least three WIC Foods identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
 - 2) Any violation of Section 672.450.
 - 3) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
 - 4) Having an expired WIC Foods on the shelf. (See Section 672.100 "Expired Food".)
 - 5) Submission of a Federal Employers Identification Number (FEIN) for the business entity operating as a Vendor that differs from the FEIN filed for the same business entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.

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NOTICE OF PEREMPTORY AMENDMENTS

- 6) Submission of false, erroneous or inaccurate information in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site.
- 7) Refusing to allow the Department access to investigate the Vendor Site during normal business hours.
- 8) Violation of a term of the WIC Vendor Contract.
- 9) Use of WIC Authorization by an unauthorized individual, corporation, partnership, limited partnership, unincorporated association, Limited Liability Company or former Vendor (if an individual), or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, Limited Liability Company or unincorporated association.
- 10) Failure to pay the Department the amount of any reimbursement or fine due.
- 11) Submitting false, erroneous or inaccurate information on the application of a WIC Retail Vendor Contract.
- 12) Violation of the WIC Vendor Management Act or this Part, or of the federal statutes and regulations regarding the WIC Vendor program.
- 13) Charging WIC customers [\(or their proxies or Department Representatives\)](#) more for food than non-WIC customers; ~~or~~ charging more than the current shelf [price, including any sale price or discount; or charging more than what is permitted under the WIC Vendor Contractor contract price.](#)
- 14) Receiving, transacting and/or redeeming Food Instruments outside of authorized channels, including the use of an unauthorized Vendor and/or unauthorized person.
- 15) Charging for supplemental food not received by the participant.
- 16) Providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 USC 802, in exchange for Food Instruments.

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- 17) Providing unauthorized food items in exchange for Food Instruments, including charging for supplemental food provided in excess of those listed on the Food Instrument.
- 18) [Purchasing infant formula from a source which is not an approved source as set forth in this Part.](#)
- 19) [Failure to maintain prices for WIC Participants at levels competitive to prices for non-WIC Participants.](#)

b) State Minor Violations:

State minor violations are violations that are administrative in nature and may impose less harm to Participants or the program. The following shall be considered minor violations:

- 1) Failure to maintain the minimum required quantity, size and type of WIC infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 2) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
- 3) Altering or submitting for payment altered Food Instruments.
- 4) The possession, the display on the shelf in the Vendor Site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program.
- 5) Acceptance of WIC Food Instruments that is signed by a Participant, a Proxy or a Department Representative before the total actual cost is filled in by the Vendor.
- 6) Not posting the shelf price for WIC Foods. If no price is posted, then for the purposes of this Section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.

c) Sanctions/Administrative Warnings:

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- 1) For each major violation, except those set forth in subsection (c)(2) below, a Vendor shall receive:
 - A) A fine assessment of \$1000 or 10% of the Vendor's monthly average redemptions for the 12 months preceding the advance notification regarding the sanction; and
 - B) Either:
 - i) Disqualification from the WIC Program for up to 1 year; or
 - ii) Probationary status within the WIC Program.
- 2) For violations set forth in subsections (a)(3), (13), (14), (15), (16) and (17), the Department will give the Vendor an administrative warning. Once a pattern of such violations is established, a sanction shall be imposed pursuant to Section 672.505.
- 3) For each minor violation a Vendor shall receive:
 - A) A fine assessment of \$500 or 5% of the Vendor's monthly average redemptions for the 12 months preceding the advance notification regarding the sanction; and
 - B) Probationary status within the WIC Program.
- 4) Multiple violations in a single investigation shall result in a cumulative fine assessment.
 - A) The cumulative sanction imposed shall be determined based on the nature and seriousness of the combined violations, the extent of potential harm to WIC clients and the program, and the deterrent effect for the Vendor and other Vendors.
 - B) An investigation shall be considered complete when, in the judgement of the Department, sufficient evidence exists to determine whether the Vendor is complying with program requirements.

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- C) The maximum fine and maximum disqualification term shall be no more than the limits set forth in 7 CFR 246.12(1)(2)(i).
- 5) All fine assessments shall be paid within 30 calendar days from the date of the Secretary's advance notification of administrative action or order, by cashier's check or certified money order in United States currency. If the Vendor fails to pay any fine assessed within 30 calendar days after the date of the Secretary's advance notification or order, the Department shall disqualify the Vendor from participation in the WIC Program until the fine is paid, and an additional fee of \$1500 shall be required to reinstate Vendor Authorization.
- d) A Vendor remaining in the program after a finding of violations shall provide certification that the situation giving rise to the violations has been corrected, with documentation regarding the correction as requested by the Department.
- e) If the Department has reasonable grounds for believing that a Participating Vendor has committed an abuse or violation of the WIC Program, the Department may send written notice to the Vendor citing the specific grounds and warning the Vendor that abuse or violations should not continue or recur. The Department, however, is not required to provide a vendor with administrative warning prior to imposing sanctions or repudiating a vendor agreement.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.515 Vendor Rights Regarding Notice and Appeal

- a) **Prior Warning:**
The Department is not required to provide the Vendor with prior warning that violations were occurring before imposing sanctions pursuant to Section 672.505 or 672.510, or repudiating the agreement pursuant to Section 672.520.
- b) **Advance Notification:**
- 1) The Department may take adverse action against a Vendor after providing 15-day advance notification, except that permanent disqualifications under Section 672.505(a) shall be effective on the date of receipt of notice of the administrative action.

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NOTICE OF PEREMPTORY AMENDMENTS

- 2) The written notification shall state the cause for the administrative action, its effective date and the procedures to file for an appeal of the action.
- 3) The written notification shall be signed by the Secretary of the Department or his/her designee, and his/her decision therein may only be reversed by a subsequent decision or order by the Secretary or his/her designee pursuant to a hearing or settlement agreement.
- 4) [The appeal of an appealable action as set forth in Section 672.515\(c\) does not delay the sanction, the date of disqualification or date of termination of the contract except that upon showing of good cause the Vendor may be allowed to continue operating during the pending appeal for no more than 90 days from the date of request of an appeal, or until the expiration of the WIC Vendor Retail Agreement, whichever comes first. Good cause may be established by presenting compelling evidence that irreparable harm to the vendor would outweigh the potential harm to the public and that violations of this Part would not occur during continued operation.](#)

- c) **Appealable Actions:**
The Vendor may appeal the Department decision to disqualify or otherwise sanction a Vendor during the course of its agreement or contract with the Department, or to deny a Vendor's Application. The following are not appealable by way of administrative review and the Vendor has no right to a hearing regarding:

- 1) expiration of a Vendor contract or agreement;
- 2) the Department's determinations regarding Participant Access;
- 3) disqualification of a Vendor as a result of disqualification from the Food Stamp Program or other sanction in lieu of disqualification pursuant to Section 672.510(d); or
- 4) receipt of an administrative warning.

(Source: Amended by preemptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

Section 672.520 Breach of Contract

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- a) Upon determination by the Department that a substantial breach of contract has been committed by a Vendor, the Department shall repudiate its contract with the Vendor and terminate the Vendor Authorization.
- b) Any repudiation of the contract by the Department and resultant termination of the Retail Vendor Contract will take effect only after the Vendor receives 15-day advance written notification of the adverse action, the causes for and effective date of such action.
- c) The sale, lease, or cessation of business at the location authorized by the WIC Vendor Contract shall void the Vendor Contract. Also, should the vendor qualify as a fifty percent vendor during the period of the Contract, the Vendor Contract shall become void. If the Department determines that a vendor qualifies as a fifty percent vendor during the Contract, it will give the vendor fifteen days notice of the determination and declare the contract void. The vendor may reapply for WIC approval ninety days after the notice by showing that the business model has changed and that it will not be a fifty percent vendor. Upon approval by the Department, the contract may be reinstated. The vendor may appeal a determination made during the contract that it is a fifty percent vendor pursuant to Section 672.600, but the appeal will not delay the above action.

(Source: Amended by peremptory rulemaking at 30 Ill. Reg. 14602, effective September 1, 2006)

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) Section Numbers:
1910.50
1910.67
- 4) Date Proposal Published in the Illinois Register: February 10, 2006; 30 Ill. Reg. 1816
- 5) Date Adoption Published in the Illinois Register: June 2, 2006; 30 Ill. Reg. 10103
- 6) Date Request for Expedited Correction to Adopted Rules Published in Illinois Register: July 14, 2006; 30 Ill. Reg. 12456
- 7) Adoption Effective Date: May 16, 2006
- 8) Correction Effective Date: May 16, 2006
- 9) Reason for Approval of Expedited Correction: When the Property Tax Appeal Board adopted these rules, text changes made to these two Sections in previously adopted rulemakings were inadvertently omitted. Section 1910.50(j) and (k) should have reflected a rulemaking adopted at 30 Ill. Reg. 2640, effective February 15, 2006. Section 1910.67(m) should have reflected a rulemaking adopted at 30 Ill. Reg. 7965, effective April 14, 2006.

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Board Information – Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications-Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.88	Use of Facsimile Machines
1910.90	Procedural Hearing Rules
1910.91	Business Records
1910.92	Rules of Pleading, Practice and Evidence

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

1910.93	Request for Witnesses
1910.94	Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner
1910.95	Separability (Renumbered)
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
1910.99	Adoption of Evidence
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006.

Section 1910.50 Determination of Appealed Assessment

- a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)
- b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

at a time and place designated by the Board. *A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)

- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.
- 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.
 - 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
 - B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
 - 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board will consider the level of assessment applicable to the subject property under the Cook County Real Property Assessment Classification Ordinance, as amended.
- d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event,

PROPERTY TAX APPEAL BOARD

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the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

- e) A majority of the Members of the Board is required to make a decision of the Board.
- f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)*
- g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)*
- h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)*
- i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)*
- j) *If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by*

PROPERTY TAX APPEAL BOARD

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~~evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record. k)~~ — The contesting party may, at any time before the hearing begins, ~~upon notice to the parties to the appeal,~~ move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. However, where a party to the appeal has filed substantive evidence or is in the process of preparing substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no written objection is ~~objections are~~ made by ~~that any~~ party ~~to the appeal~~. A party that has not filed substantive evidence in response to the contesting party's petition shall not be permitted to object to the dismissal of the appeal.

(Source: Expedited Correction at 30 Ill. Reg. 14633, effective May 16, 2006)

Section 1910.67 Hearings

- a) The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with this Part to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings.

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.

- f) Each hearing shall be open to public observation, except for a hearing or part of a hearing that the Board or its designated Hearing Officer states to be closed for purposes of insuring the protection of any confidential, proprietary or trade secret nature of any data, information or studies that are discussed by a witness.
- g) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:
 - 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical information both orally and in writing;
 - 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
 - 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
 - 6) possess an ability to conduct hearings and obtain and analyze necessary information;
 - 7) possess a valid Illinois driver's license;
 - 8) be of high integrity and good personal repute;
 - 9) be familiar with this Part and the Property Tax Code;
 - 10) be disinterested and impartial; and
 - 11) have no financial or personal interest in the result of the hearing.

PROPERTY TAX APPEAL BOARD

NOTICE OF EXPEDITED CORRECTION

- h) Authority of the Board and designated Hearing Officers
- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:
 - A) To conduct hearings and pre-hearing conferences;
 - B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
 - E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
 - G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
 - 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.
- i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious

PROPERTY TAX APPEAL BOARD

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illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.

- j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.
- k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:
 - 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
- l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.
- m) All testimony taken at the hearing shall be under oath or affirmation. ~~The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.~~

(Source: Expedited Correction at 30 Ill. Reg. 14633, effective May 16, 2006)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of Part: Right-To-Know Notice Costs
- 2) Code Citation: 35 Ill. Adm. Code 1662 (New Part)
- 3) The Notice of Proposed Rules being corrected appeared at 30 Ill. Reg. 9258, dated May 19, 2006.
- 4) The information being corrected is as follows: The response to required question number fourteen (14) is incorrect. The answer given should be stricken and replaced with the following:
 - 14) Regulatory Agenda on which this rulemaking was summarized: The Illinois EPA inadvertently omitted this rulemaking from its Regulatory Agenda in the two most recent regulatory agendas. However, the Illinois EPA, prior to this first notice publication, had worked with a public outreach group on this rulemaking, had distributed several drafts of this proposed rule to the public and had received feedback and comments. The Illinois EPA believes it is necessary to propose this rule without it having been summarized in a Regulatory Agenda so that the regulated community can be informed of the costs for which they may be liable to the State under Section 25d-3(d) of the Illinois Environmental Protection Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) The Notice of Proposed Amendments being corrected appeared at: 30 Ill. Reg. 14052; dated August 25, 2006
- 4) The information being corrected is as follows: On the Notice page, Section 590.80 and 590.140 were mistakenly listed as 598.80 and 598.140.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 12, 2006

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Aging

1. Community Care Program (89 Ill. Adm. Code 240)
 - First Notice Published: 30 Ill. Reg. 9949 – 6/2/06
 - Expiration of Second Notice: 9/24/06

Commerce Commission

2. Telephone Assistance Programs (83 Ill. Adm. Code 757)
 - First Notice Published: 30 Ill. Reg. 8714 – 5/12/06
 - Expiration of Second Notice: 9/28/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Education

3. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 30 Ill. Reg. 9951 – 6/2/06
 - Expiration of Second Notice: 10/4/06
4. Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130)
 - First Notice Published: 30 Ill. Reg. 8003 – 5/5/06
 - Expiration of Second Notice: 10/4/06
5. Parental Participation Pilot Project (23 Ill. Adm. Code 560)
 - First Notice Published: 30 Ill. Reg. 8043 – 5/5/06
 - Expiration of Second Notice: 10/4/06
6. Class Size Reduction Grants (23 Ill. Adm. Code 565)
 - First Notice Published: 30 Ill. Reg. 9972 – 6/2/06
 - Expiration of Second Notice: 10/4/06

Elections

7. Miscellaneous (26 Ill. Adm. Code 207)
 - First Notice Published: 30 Ill. Reg. 9253 – 5/19/06
 - Expiration of Second Notice: 9/21/06

Environmental Protection Agency

8. Right-To-Know Notice Costs (35 Ill. Adm. Code 1662)
 - First Notice Published: 30 Ill. Reg. 9258 – 5/19/06
 - Expiration of Second Notice: 10/4/06

Financial and Professional Regulation

9. Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)
 - First Notice Published: 30 Ill. Reg. 4544 – 3/17/06
 - Expiration of Second Notice: 10/8/06

Healthcare and Family Services

10. Special Eligibility Groups (89 Ill. Adm. Code 118)
 - First Notice Published: 30 Ill. Reg. 9981 – 6/2/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

-Expiration of Second Notice: 9/30/06

11. Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)
-First Notice Published: 30 Ill. Reg. 9983 – 6/2/06
-Expiration of Second Notice: 9/30/06

Labor

12. Prevailing Wage Hearing Procedures (56 Ill. Adm. Code 100)
-First Notice Published: 29 Ill. Reg. 19064 – 11/28/05
-Expiration of Second Notice: 9/22/06

Natural Resources

13. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
-First Notice Published: 30 Ill. Reg. 11000 – 6/23/06
-Expiration of Second Notice: 9/23/06

Property Tax Appeal Board

14. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
-First Notice Published: 30 Ill. Reg. 10599 – 6/16/06
-Expiration of Second Notice: 9/27/06

Public Health

15. Community Living Facilities Code (77 Ill. Adm. Code 370)
-First Notice Published: 30 Ill. Reg. 8089 – 5/5/06
-Expiration of Second Notice: 10/7/06

Racing Board

16. Purse Recapture (11 Ill. Adm. Code 213)
-First Notice Published: 30 Ill. Reg. 10258 – 6/9/06
-Expiration of Second Notice: 10/5/06
17. Race Officials (11 Ill. Adm. Code 1306)
-First Notice Published: 30 Ill. Reg. 10604 – 6/16/06
-Expiration of Second Notice: 10/5/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Secretary of State

18. Illinois State Library, Library Services Division (23 Ill. Adm. Code 3010)
 - First Notice Published: 30 Ill. Reg. 8810 – 5/12/06
 - Second Notice Expiration: 9/21/06
19. Public Library Construction Grants (23 Ill. Adm. Code 3060)
 - First Notice Published: 30 Ill. Reg. 9436 – 5/26/06
 - Expiration of Second Notice: 9/21/06

State Fire Marshal

20. Fire Sprinkler Contractor Licensing Rules (41 Ill. Adm. Code 109)
 - First Notice Published: 29 Ill. Reg. 15410 – 10/14/05
 - Expiration of Second Notice: 9/25/06

State Universities Civil Service System

21. State Universities Civil Service System (80 Ill. Adm. Code 250)
 - First Notice Published: 30 Ill. Reg. 108 – 1/6/06
 - Expiration of Second Notice: 10/9/06

Transportation

22. Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill. Adm. Code 650)
 - First Notice Published: 30 Ill. Reg. 9991 – 6/2/06
 - Expiration of Second Notice: 10/17/06

EMERGENCY RULEMAKINGS

Elevator Safety Review Board

23. Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000) (Emergency)
 - Notice Published: 30 Ill. Reg. 13186 – 8/4/06

Financial and Professional Regulation

24. Predatory Lending Database (38 Ill. Adm. Code 346) (Emergency)
 - Notice Published: 30 Ill. Reg. 13524 – 8/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Healthcare and Family Services

25. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 30 Ill. Reg. 13909 – 8/18/06

Higher Education

26. Nurse Educator Fellowship Program (23 Ill. Adm. Code 1105) (Emergency)
-Notice Published: 30 Ill. Reg. 14363 – 9/1/06

Human Services

27. Recipient's Property (59 Ill. Adm. Code 110) (Emergency)
-Notice Published: 30 Ill. Reg. 13527 – 8/11/06

Natural Resources

28. Public Use of State Parks and Other Properties of the Department of Natural Resources
(17 Ill. Adm. Code 110) (Emergency)
-Notice Published: 30 Ill. Reg. 13536 – 8/11/06

Racing Board

29. Medication (11 Ill. Adm. Code 603) (Emergency)
-Notice Published: 30 Ill. Reg. 14371 – 9/1/06

State Police

30. Child Murder and Violent Offender Against Youth Registration Act (20 Ill. Adm. Code
1283) (Emergency)
-Notice Published: 30 Ill. Reg. 13541 – 8/11/06

PEREMPTORY RULEMAKING

Central Management Services

31. Pay Plan (80 Ill. Adm. Code 310) (Peremptory)
-Notice Published: 30 Ill. Reg. 13547 – 8/11/06

AGENCY RESPONSE

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Health Facilities Planning Board

32. Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130; 29 Ill. Reg. 16173)

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 August 22, 2006 through August 28, 2006 and have been scheduled for review by the Committee at its September 12, 2006 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/4/06	<u>Environmental Protection Agency</u> , Right-To-Know Notice Costs (35 Ill. Adm. Code 1662)	5/19/06 30 Ill. Reg. 9258	9/12/06
10/4/06	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	6/2/06 30 Ill. Reg. 9951	9/12/06
10/4/06	<u>State Board of Education</u> , Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130)	5/5/06 30 Ill. Reg. 8003	9/12/06
10/4/06	<u>State Board of Education</u> , Parental Participation Pilot Project (23 Ill. Adm. Code 560)	5/5/06 30 Ill. Reg. 8043	9/12/06
10/4/06	<u>State Board of Education</u> , Class Size Reduction Grants (23 Ill. Adm. Code 565)	6/2/06 30 Ill. Reg. 9972	9/12/06
10/5/06	<u>Illinois Racing Board</u> , Purse Recapture (11 Ill. Adm. Code 213)	6/9/06 30 Ill. Reg. 10258	9/12/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/5/06	<u>Illinois Racing Board</u> , Race Officials (11 Ill. Adm. Code 1306)	6/16/06 30 Ill. Reg. 10604	9/12/06
10/7/06	<u>Department of Public Health</u> , Community Living Facilities Code (77 Ill. Adm. Code 370)	5/5/06 30 Ill. Reg. 8089	9/12/06
10/8/06	<u>Department of Financial and Professional Regulation-Division of Professional Regulation</u> , Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)	3/17/06 30 Ill. Reg. 4544	9/12/06

PROCLAMATIONS

**2006-278
PRO BONO WEEK**

WHEREAS, the Chicago Bar Association (CBA) and the Chicago Bar Foundation (CBF) will co-sponsor the second annual **Pro Bono Week 2006** from October 16-20, 2006; and

WHEREAS, members of the legal community are making a difference every day by donating thousands of hours in free legal services and by making financial contributions to legal aid organizations; and

WHEREAS, the Illinois Supreme Court has placed a greater importance on pro bono work in the legal community when it approved a new rule earlier this year requiring all lawyers in Illinois to report their pro bono service hours to the state; and

WHEREAS, the hard work of these attorneys assists the most vulnerable children and adults in our community with a range of legal issues that include child support, consumer fraud, elder abuse, civil rights, domestic violence, housing discrimination, and various other issues that are often critical to their safety and independence; and

WHEREAS, the Young Lawyers Section of the Chicago Bar Association will host its 13th Annual Pro Bono and Community Service Fair on Thursday, October 19, 2006 to help lawyers and law students make volunteer connections with legal service providers and tutor/mentor programs; and

WHEREAS, the Chicago Bar Foundation's Young Professionals Board will soon launch its "Meet the Need" Campaign to increase the Foundation's grants to dozens of legal aid and public interest law organizations; and

WHEREAS, Pro Bono Week will feature several events for attorneys to showcase pro bono opportunities, connect lawyers to legal aid organizations, and, through media outreach, emphasize the pro bono efforts of local attorneys and the tremendous impact their efforts have on their clients:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16 - 20, 2006 as **PRO BONO WEEK** in Illinois, and encourage all citizens to recognize the contributions of the legal community to help those in need.

Issued by the Governor on August 22, 2006.

Filed by the Secretary of State August 23, 2006.

2006-279

PROCLAMATIONS

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

- WHEREAS, substance addiction is a chronic illness linked to brain chemistry that can often be treated medically; and
- WHEREAS, substance abuse, and its co-existing mental and physical disorders, are major public health problems that affect millions of Americans of every age, race and ethnic background, in all communities; and
- WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress, and financial strife; and
- WHEREAS, in 2004, an estimated 22.5 million Americans met the criteria for substance dependence or abuse. That year, only 16.8 percent of Americans 12 and older who needed treatment for an alcohol or drug use disorder actually received treatment; and
- WHEREAS, the primary reason that most of those afflicted did not receive treatment is that they incorrectly believed that treatment was not necessary; and
- WHEREAS, those who do realize that they need treatment often face various barriers to recovery. These barriers include the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and simply a lack of information about treatment options; and
- WHEREAS, since 1967, the Illinois Alcoholism and Drug Dependence Association (IADDA) has worked to educate the public about substance abuse and addiction, while also representing more than 100 treatment and prevention agencies across Illinois; and
- WHEREAS, the theme of this year's Recovery Month, "Join the Voices for Recovery – Build a Stronger, Healthier Community" aims to promote the societal benefits of alcohol and drug use disorder treatment, laud the contributions of treatment providers and promote the message that recovery from alcohol and drug use disorders in all its forms is possible; and
- WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and The Illinois Department of Human Services, Division of Alcoholism and Substance Abuse, invite all residents of Illinois to participate in National Alcohol and Drug Addiction Recovery Month:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH** in Illinois, and call on all citizens to celebrate the lives of those who have successfully recovered, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor on August 22, 2006.
Filed by the Secretary of State August 23, 2006.

2006-280
CAMPUS FIRE SAFETY MONTH

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and

WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and

WHEREAS, since January of 2000, more than 88 children, students, and parents throughout the country have died in student housing fires, and almost 80 percent of those deaths occurred in off-campus occupancies where the majority of students live unsupervised; and

WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as: checking and turning off the oven and stove before going to sleep or leaving home, not overloading electrical circuits, safely stowing all dangerous and hazardous materials, keeping any electrical devices clear of water, checking and maintaining alarm and sprinkler systems, and noting the location of fire extinguishers to use in the event of an emergency; and

WHEREAS, education significantly helps minimize the risk of fire by raising awareness of those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **CAMPUS FIRE SAFETY MONTH** in Illinois to encourage educators to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor on August 22, 2006.
Filed by the Secretary of State August 23, 2006.

2006-281

PROCLAMATIONS

DeVry University

WHEREAS, DeVry University, Chicago Campus, opened in 1931 as DeForest Training School. In the 1950s, the school became known as DeVry Technical Institute. The name was changed to DeVry Institute of Technology in 1968 and to DeVry University in 2002; and

WHEREAS, with rigorous, career-oriented undergraduate and graduate degree programs in technology, business, and management, DeVry University students are able to access these programs through a North American system of 80 locations as well as through DeVry University Online, all of which meet the needs of a diverse and geographically dispersed student population of approximately 46,000; and

WHEREAS, DeVry University is accredited by The Higher Learning Commission and is a member of the North Central Association, and various technical programs are accredited by NCA, TAC/ABET, OACETT, and ASET; and

WHEREAS, 2006 marks the 75th anniversary for DeVry University of Chicago, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize DeVry University for their seventy-five years of educational excellence in our great State.

Issued by the Governor on August 24, 2006.

Filed by the Secretary of State August 24, 2006.

2006-282**GYNECOLOGIC CANCER AWARENESS MONTH**

WHEREAS, approximately 9 women are diagnosed with gynecologic cancer in America every hour. More than 77,000 will be diagnosed this year alone; and

WHEREAS, gynecologic cancer accounts for 10 percent of all cancer deaths and is the fourth largest cancer killer of women in the United States; and

WHEREAS, in Illinois, 12 percent of all cancer victims are diagnosed with gynecologic cancer, which accounts for 10 percent of all cancer deaths in the state; and

WHEREAS, the Society of Gynecologic Oncologists, whose doctors first train as obstetricians and gynecologists and then receive three to four years of additional training as cancer specialists, is the only United States medical society dedicated to the prevention, detection, and cure of gynecologic cancers; and

PROCLAMATIONS

WHEREAS, based out of Chicago, the Gynecologic Cancer Foundation, founded by the Society of Gynecologic Oncologists in 1991, raises funds in support of programs that assist women at risk of developing gynecologic cancer, as well as those currently living with the disease; and

WHEREAS, during the month of September, the Gynecologic Cancer Foundation works with over 3,000 physicians, community partners, and the media to provide women with potentially life-saving information about gynecologic cancer; and

WHEREAS, my administration is committed to supporting and raising awareness in the critical fight against gynecologic cancer. Women in Illinois can receive assistance through such programs as the Illinois Breast and Cervical Cancer Program, which is administered by the Illinois Department of Public Health and provides free breast and cervical cancer screenings to women between the ages of 35 and 64 who have limited financial resources and/or are without health insurance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **GYNECOLOGIC CANCER AWARENESS MONTH** in Illinois, and encourage citizens of the State to support the worthy efforts of the Society of Gynecologic Oncologists and Gynecologic Cancer Foundation.

Issued by the Governor on August 24, 2006.

Filed by the Secretary of State August 24, 2006.

2006-283**OVARIAN CANCER AWARENESS MONTH**

WHEREAS, approximately 1 in every 69 women will be diagnosed with ovarian cancer in their lifetime. More than 26,000 will be diagnosed this year alone, including 627 from Illinois; and

WHEREAS, an estimated 15,000 women, including more than 650 from Illinois, will die of ovarian cancer this year, making ovarian cancer the deadliest gynecological cancer; and

WHEREAS, the cause of ovarian cancer is unknown, and there may be no symptoms or only mild ones in the early stages of the disease. Later symptoms include loss of appetite, feeling of fullness after a light meal, abdominal discomfort, nausea, and other digestive problems, excessive weight loss or gain, and abnormal bleeding in the vaginal area; and

PROCLAMATIONS

WHEREAS, the risk of developing ovarian cancer may be reduced by cutting the amount of fat in a diet, breast feeding, using birth control pills and other methods of minimizing the number of ovulations, and surgical procedures, such as a hysterectomy, ovary removal, and tubal ligation; and

WHEREAS, raising awareness of the precautions, symptoms, and scope of ovarian cancer can save lives by increasing the chances of early detection and treatment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **OVARIAN CANCER AWARENESS MONTH** in Illinois, and encourage citizens of the State to take preventative and proactive measures to ensure the health and safety of themselves and their families.

Issued by the Governor on August 24, 2006.

Filed by the Secretary of State August 24, 2006.

2006-284**YOUTH SOCCER MONTH**

WHEREAS, soccer is one of the fastest growing sports in the United States. More than 19 million children, including 83,000 Illinois youth, play soccer; and

WHEREAS, soccer is a great way to engage Illinois children in a healthy activity while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

WHEREAS, the United States Youth Soccer Organization, Soccer Federation, and President's Council on Physical Fitness and Sport commemorates September as Youth Soccer Month to celebrate and raise awareness about the benefits of playing soccer; and

WHEREAS, Illinois Youth Soccer, a member of the United States Youth Soccer Organization, supports Youth Soccer Month and will sponsor celebrations and special events throughout the month at games and tournaments in Illinois; and

WHEREAS, this year marks the Fourth Annual Youth Soccer Month, and inner city, special needs, recreational, and elite soccer programs will all benefit from the exposure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **YOUTH SOCCER MONTH** in Illinois, and encourage citizens of the State to support the worthy efforts of all the sponsoring organizations, as well as to join in promoting the sport of soccer in this state and across the country.

PROCLAMATIONS

Issued by the Governor on August 24, 2006.
Filed by the Secretary of State August 24, 2006.

2006-285
PAIN AWARENESS MONTH

WHEREAS, today, 50 to 75 million Americans and Illinoisans live with chronic pain caused by a variety of diseases and disorders, and nearly 25 million suffer from acute pain every year; and

WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are improperly treated, undertreated, or not treated at all; and

WHEREAS, the Northern Illinois Pain Resource Nurse Consortium, American Pain Foundation, and American Alliance of Cancer Pain Initiatives have teamed up to prepare a "Power Over Pain" campaign for the month of September to raise awareness about pain, and to encourage those living with pain to become their own best advocates; and

WHEREAS, as part of the "Power Over Pain" campaign, community events throughout Northern Illinois will educate medical professionals and the public about the undertreatment of pain, inadequate access to pain care, and barriers to pain management:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 **PAIN AWARENESS MONTH** in Illinois in support of the "Power Over Pain" campaign and efforts to improve and promote the management and treatment of pain.

Issued by the Governor on August 24, 2006.
Filed by the Secretary of State August 24, 2006.

2006-286
AMERICAN INDIAN DAY

WHEREAS, long before the arrival of Europeans to North American shores, Native Americans settled and lived throughout the United States, including the State of Illinois; and

WHEREAS, Native Americans established loose bands of tribes and confederations with sophisticated agricultural and hunting economies and social and political systems, which were designed to secure domestic peace and comfort within their communities; and

PROCLAMATIONS

- WHEREAS, after the arrival of Europeans, many Native Americans aided European colonization, especially by instructing European migrants in vital farming techniques and methods unique to the land; and
- WHEREAS, sadly, European civilizations displaced many Native American communities, and many Native Americans were forced to assimilate into the new culture. Despite that, Native Americans have faithfully and heroically served in all American wars to defend democracy and freedom; and
- WHEREAS, there are more than 550 federally recognized tribes in the United States, sharing a special, legal relationship with the federal government; and
- WHEREAS, Native Americans and Alaska Natives are subject to the same federal laws and often state and local laws, in addition to tribal laws, while living as U.S. citizens or on a reservation, and thus ought to be accorded the same rights and privileges as any citizen of the United States; and
- WHEREAS, some Native American communities are beginning to thrive again thanks to the creativity, innovation, and above all, indomitable spirit of Native Americans:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 1, 2006 as **AMERICAN INDIAN DAY** in Illinois in honor and remembrance of those Native Americans who preceded us, without whom the success of European civilization would not have been possible, and in recognition of the contributions Native Americans have made to the United States, State of Illinois, and their own success.

Issued by the Governor on August 24, 2006.

Filed by the Secretary of State August 24, 2006.

2006-287**CULTURAL MONTH OF JALISCIENSES**

- WHEREAS, Jaliscienses represent one of the largest group of Mexican immigrants living in the United States; and
- WHEREAS, of the 300,000 Jaliscienses living in the Midwest, 192,000 of those have chosen the State of Illinois to be their home; and
- WHEREAS, the Federación Jalisciense del Medio Oeste is a not for profit organization that promotes the welfare and advancement of Jaliscienses in the Midwest as well as Mexico through educational, cultural, civic and social projects in a bi-national

PROCLAMATIONS

context to promote the formation of proactive citizens that seek a full participation in the societies in which they live; and

WHEREAS, The Honorable Francisco Ramírez Acuña, Governor of the Mexican State of Jalisco, will be present in Chicago August 24-26 to participate in the annual Semana Cultural Jalisciense 2006, a cultural and civic event that since 2000 has gathered Jaliscienses from all over the region to celebrate their culture and history, and strengthen their presence in the Midwest:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2006 as **CULTURAL MONTH OF JALISCIENSES** in Illinois, in honor of the 192,000 Jaliscienses that make their homes in this great state.

Issued by the Governor on August 24, 2006.

Filed by the Secretary of State August 24, 2006.

2006-288**LEMONT LITTLE LEAGUE DAY**

WHEREAS, the 2006 Little League Team from Lemont, Illinois had a remarkable 2006 season. After defeating Mundelein National to earn the Illinois State Championship, they lost the first two games of the Great Lakes Region tournament, but rallied to win four games in a row to win the Great Lakes Championship and earn a spot as one of only 8 American teams to compete in the 2006 Little League World Series; and

WHEREAS, game one of the Little League World Series for Lemont ended in defeat at the hands of Arizona, but they bounced back the very next day in a 1-0 victory over New York. The win was characterized by an outstanding one-hit shutout performance by pitcher David Hearne; and

WHEREAS, in game three, Lemont matched up against the team from Columbus, Georgia, and pitching was again the highlight. Pitcher Brian Ferry tossed Lemont's second consecutive one-hitter, struck out 13 batters, and led his team to victory by a score of 2-0. That win advanced the team to the U.S. Semifinals; and

WHEREAS, the Lemont team once again played skillfully in game one of the Semifinals, fighting hard to the very end with the winning run in scoring position in the bottom of the sixth inning, but the game ended in defeat to Beaverton, Oregon by a score of 4-3. Despite their elimination from the tournament, the Lemont Little League team made an amazing run at the

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title, and became the first Illinois team since 1992 to make it to the Little League World Series; and

WHEREAS, Illinois is proud of the Lemont Little League team for their outstanding play, and delighted that they are a part of this state's rich tradition of excellence in sporting and athletics. We commend players Josh Ferry, Michael Hall, David Hearne, Andrew Hoffmeister, Marty Joyce, Michael Kamp, Dane Kempke, Zak Kutsulis, Austin Mastela, David Rimkus, Zack Soria, Chris Stoeberl, and Jeff Worsech, along with manager Mike Hall and coaches Dave Rimkus and Bob Soria for their amazing accomplishments in this 2006 Little League Season:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 25, 2006 as **LEMONT LITTLE LEAGUE DAY** in Illinois, in recognition of their stellar, title-contending season.

Issued by the Governor on August 25, 2006.

Filed by the Secretary of State August 25, 2006.

2006-289**Y-ME ILLINOIS DAY**

WHEREAS, breast cancer is the second most common type of cancer in women, and approximately 212,900 women in the United States will be diagnosed with breast cancer this year; and

WHEREAS, in 1978, the Y-ME National Breast Cancer Organization was founded by two breast cancer patients, Mimi Kaplan and Ann Marcou, for the purpose of ensuring that no one confronts breast cancer alone; and

WHEREAS, Y-ME accomplishes their mission by raising awareness and providing peer support, and Y-ME Illinois has a multitude of programs and services available to support those afflicted with breast cancer here in this state; and

WHEREAS, open door support groups, teen and adult education workshops, the Gerry Weinberg Resource Library, the IlliNOISY Advocacy Network, the Sharon Rose Wig and Prosthesis Salon, and the 24-Hour Y-ME National Breast Cancer Hotline, are all offered without expense. Y-ME Illinois also issues a newsletter called In Touch to present the latest news on breast cancer issues; and

WHEREAS, these programs and services are only possible with the aid and support of the community, and the annual Y-ME Fashion Show is their major fundraiser; and

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WHEREAS, this year, the Y-ME National Breast Cancer Organization celebrates the 26th anniversary of the Fashion Show, and Y-ME Illinois will celebrate their 6th Fashion Show on October 28:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 28, 2006 as **Y-ME ILLINOIS DAY** in recognition of the meritorious service Y-ME and Y-ME Illinois provides to those with cancer, and to encourage citizens of the State to support their worthy efforts.

Issued by the Governor on August 25, 2006.

Filed by the Secretary of State August 28, 2006.

2006-290**POLIO VACCINATION MONTH**

WHEREAS, the polio vaccines have not yet eliminated naturally occurring cases of polio outside of the United States; and

WHEREAS, in 2005, polio was reported in five unvaccinated children in Minnesota and one unvaccinated adult in Arizona, the result of the poliovirus being imported into North America from abroad; and

WHEREAS, the Centers for Disease Control estimates that ten percent of toddlers, or one million American children, are not vaccinated against polio; and

WHEREAS, poor children in cities are least likely to be vaccinated against polio and most likely to be those first affected by an American polio epidemic; and

WHEREAS, the mission of the International Center for Post-Polio Education and Research includes educating about polio vaccination and Post-Polio Sequelae. The unexpected and often disabling symptoms: overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold intolerance, and difficulty swallowing and breathing, occur in 75% of paralytic and 40% of non-paralytic polio survivors approximately 35 years after the poliovirus attack:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2006 as **POLIO VACCINATION MONTH** in Illinois, and encourage all parents to vaccinate their children against polio and all diseases, and remind school districts to enforce the regulations requiring vaccination before admission.

PROCLAMATIONS

Issued by the Governor on August 28, 2006.
Filed by the Secretary of State August 28, 2006.

2006-291

HURRICANE KATRINA REMEMBRANCE DAY

- WHEREAS, on August 29, 2005, the Gulf Coast was ravaged by Hurricane Katrina, leaving thousands of people without homes and taking the lives of hundreds more; and
- WHEREAS, in the wake of this terrible tragedy, states throughout the nation, including Illinois, as well as nations all across the world provided much needed assistance for the relief, recovery and cleanup operations; and
- WHEREAS, with the need to help hundreds of thousands of displaced residents, other states opened their doors to the victims and assisted those individuals and families in getting their lives back in order. Here in Illinois, the outpouring of support from our citizens was wonderful, taking in more than 10,000 people from the Gulf states ravaged by the storm, and providing them with health care, food, shelter, and schools for their children; and
- WHEREAS, Illinois' involvement went beyond providing just emergency care. Anyone displaced by the hurricane who wished to stay in Illinois, stayed, and we continue to provide services for those who need them; and
- WHEREAS, on the one year anniversary of Hurricane Katrina, Illinois takes time to remember this great national tragedy, and pay tribute to those who were killed or displaced in its ravages. We also take this opportunity to commend all those in Illinois who opened their hearts and arms to their brothers and sisters in distress:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 29, 2006 as **HURRICANE KATRINA REMEMBRANCE DAY** in Illinois, in tribute to the victims of Hurricane Katrina, and the compassionate Illinoisans who assisted them in their time of need.

Issued by the Governor on August 28, 2006.
Filed by the Secretary of State August 28, 2006.

ILLINOIS ADMINISTRATIVE CODE

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