

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

Editor's Note: The Regulatory Agenda submission period will end July 1, 2010. The Division will no longer accept Regulatory Agendas after that time. The filing period for January 2011 will start October 1, 2010 with the last day to file being January 3, 2011.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures For Issuing Loans From the Water Pollution Control Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
365.110	Amendment
365.120	Amendment
365.130	Amendment
365.140	Amendment
365.220	Amendment
365.230	Amendment
365.240	Amendment
365.250	New Section
365.260	New Section
365.340	Amendment
365.410	Amendment
365.420	Amendment
365.430	Amendment
365.440	Amendment
365.450	Amendment
365.470	New Section
365.520	Amendment
365.530	Amendment
365.610	Amendment
365.620	Amendment
365.630	Amendment
365.820	Amendment
365.910	Amendment
365.920	Amendment
365.930	Amendment
365.940	Amendment
365.1010	Amendment
365.1020	Amendment
365.APPENDIX B EXHIBIT A	New Section
365.APPENDIX B EXHIBIT B	New Section
365.APPENDIX B EXHIBIT C	New Section

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 4) Statutory Authority: Implementing and authorized by Sections 19.1-19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1-19.9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend the interest rate charged for loans, allow principal forgiveness, streamline the loan application process, as well as add provisions to address green infrastructure projects in accordance with the Agency's Capitalization Grant Agreement with USEPA.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? There is an emergency rulemaking currently in place with respect to Part 365.
- 11) Statement of Statewide Policy Objectives: This rulemaking establishes changes to procedures for issuing loans from the Water Pollution Control Loan Program.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544
stefanie.diers@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is not expected to impact small businesses and not for profit corporations. These amendments will affect small municipalities to the extent that if they applied for a loan through the Water Pollution Control Loan Program, they will utilize these rules. The Illinois EPA anticipates that these amendments will generally benefit small municipalities by clarifying and streamlining the loan application process and lowering the interest rate, providing principal forgiveness for lower income municipalities and addressing green infrastructure projects.
- 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: This rulemaking was not on a regulatory agenda since such amendments were not needed until the current Capitalization Grant Agreement with USEPA went into effect.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments found in this issue of the Illinois Register, which begins on page 8325:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures For Issuing Loans From the Public Water Supply Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 662
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
662.110	Amendment
662.120	Amendment
662.130	Amendment
662.140	Amendment
662.210	Amendment
662.220	Amendment
662.230	New Section
662.240	New Section
662.340	Amendment
662.410	Amendment
662.420	Amendment
662.430	Amendment
662.440	Amendment
662.450	Amendment
662.470	Amendment
662.510	Amendment
662.520	Amendment
662.610	Amendment
662.620	Amendment
662.630	Amendment
662.820	Amendment
662.910	Amendment
662.920	Amendment
662.930	Amendment
662.1010	Amendment
662.1020	Amendment
662.1110	Amendment
662.APPENDIX B EXHIBIT A	New Section
662.APPENDIX B EXHIBIT B	New Section
662.APPENDIX B EXHIBIT C	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 19.1-19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1-19.9]

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend the interest rate charged for loans, allow principal forgiveness, streamline the loan application process, as well as add provisions to address green infrastructure projects in accordance with the Agency's Capitalization Grant Agreement with USEPA.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? There is an emergency rulemaking currently in place with respect to Part 662.
- 11) Statement of Statewide Policy Objectives: This rulemaking establishes procedures for issuing loans from the Public Water Supply Loan Program.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544
stefanie.diers@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is not expected to impact small businesses and not for profit corporations. These amendments will affect small municipalities to the extent that if they applied for a loan through the Public Water Supply Loan Program, they will utilize these rules. The Illinois EPA anticipates that these amendments will generally benefit small municipalities by clarifying and streamlining the loan application process and lowering the interest rate, providing principal forgiveness for lower income municipalities and addressing green infrastructure projects.
- 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: This rulemaking was not included on regulatory agendas since such amendments were not needed until the current Capitalization Grant Agreement with USEPA went into effect.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments found in this issue of the *Illinois Register*, which begins on page 8406:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED RULE

Agency Rules Coordinator
Illinois Law Enforcement Training and Standards Board
4500 South Sixth Street Road, Room 173
Springfield, IL 62703-6617

217/782-4540

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Local units of government that employ police officers and seek funding under the Law Enforcement Camera Grant Act
 - B) Reporting, bookkeeping or other procedures required for compliance: All funds released to the local unit of government are subject to audit; the statute and rules also require fund recipients to submit an annual report.
 - 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 Rules begins on the next page:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED RULE

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARDPART 1700
SURCHARGE FUND FINANCIAL ASSISTANCE

Section

1700.105 Law Enforcement Camera Grant Act

AUTHORITY: Implementing and authorized by the Law Enforcement Camera Grant Act [50 ILCS 707/10].

SOURCE: Adopted at 34 Ill. Reg. ____, effective _____.

Section 1700.105 Law Enforcement Camera Grant Act

- a) Upon a local unit of government's submission of the prescribed application, the Illinois Law Enforcement Training and Standards Board will award Law Enforcement Camera Grant Act funds (Camera Grant funds) in accordance with the following criteria:
- 1) The State will be divided into three regions: Northern, Central and Southern. Camera Grant funds will be awarded in a manner that equitably disperses funds across these three regions.
 - 2) The number of police officers employed by a local unit of government will be taken into consideration in dispersing Camera Grant funds.
 - 3) The number of vehicle cameras currently available to a local unit of government will be taken into consideration in dispersing Camera Grant funds.
 - 4) The median household Income in the local unit of government's community (as identified by the U.S. Census Bureau) will be taken into consideration in dispersing Camera Grant funds.
 - 5) The crime rate in the local unit of government's community (as identified by the Illinois State Police) will be taken into consideration in dispersing Camera Grant funds.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED RULE

- 6) The total number of vehicular accidents/crashes in the local unit of government's community, as well as the number of those accidents/crashes involving alcohol or drugs, will be taken into consideration in dispersing Camera Grant funds.
 - 7) Municipalities with red light enforcement cameras will not receive Camera Grant funds.
 - 8) Municipalities not in compliance with the Illinois Law Enforcement Training and Standards Board's mandatory reporting requirements will not receive Camera Grant funds.
- b) Funds received from the Illinois Law Enforcement Training and Standards Board pursuant to the Law Enforcement Camera Grant Act are to be used in accordance with the following requirements:
- 1) Cameras must be installed in law enforcement vehicles.
 - 2) Installation of cameras must result in recordation of the officer's voice and any voice in the immediate vicinity, even when the officer is outside the vehicle.
 - 3) Only a supervisor may remove any recording from a camera or intentionally disable a camera once the camera has been installed in a vehicle. All other officers shall be prohibited from disabling any installed camera or from removing any recordings made with an installed camera.
 - 4) Once a camera has begun recording it must record continuously through the completion of the officer's shift.
 - 5) A copy of any recording made with an installed camera must be provided upon request to:
 - A) law enforcement personnel affiliated with the unit of local government that received Camera Grant;
 - B) the local State's Attorney; or

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED RULE

- C) any persons audibly or visually depicted in the recording.
- 6) Any unit of local government that releases a copy of a recording made with an installed camera to members of the general public or media must first make reasonable efforts to protect the identity and privacy of persons depicted in the recording who were not the subject of, or were merely incidental to, the law enforcement activity recorded.
 - 7) Any recording made with an installed camera must be securely retained for a period of not less than two years. Any recordings not destroyed following this period remain subject to the applicable provisions of this Section until they are destroyed.
- c) Any local unit of government that receives Camera Grant funds must report annually to the Illinois Law Enforcement Training and Standards Board with regard to the use of these funds. This annual report is due on May 1 or the first business day thereafter of each year and must include:
 - 1) the number of cameras received;
 - 2) the number of cameras installed;
 - 3) a brief description of the review process used by supervisors;
 - 4) a list of any criminal, traffic, ordinance and civil cases where video recordings were used, including party names, case numbers, offenses charged and disposition of the matter (this item applies, but is not limited to, court proceedings, coroner's inquests, grand jury proceedings and plea bargains); and
 - 5) any other information relevant to the administration of this program.
 - d) No applications for Camera Grant funds will be accepted after January 1, 2011.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
530.80	Amendment
530.85	Amendment
530.95	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 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) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being proposed to: modify hunting dates for controlled permit hunting sites, update open sites and regulations for youth hunts and update open sites and site-specific regulations for Department-owned and –managed sites.
- 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
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 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: January 2010

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 530

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

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. 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; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. _____, effective _____.

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

- a) Hunting Seasons:
 - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

Chain O'Lakes State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State 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 State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Johnson-Sauk Trail State Park

Lee County State 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 State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season~~Sunday and Monday following the first Saturday in November~~ through the seventh~~eight~~ Sunday following (closed ~~on Sunday~~ during the November and December firearm deer ~~seasons~~season).
- 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 State 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 second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Iroquois County State Conservation Area and Chain O'Lakes State

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Park (closed during the November 3-day firearm deer season) – the Wednesday before the first Saturday in November through the seventh Sunday following

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 – 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. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

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

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Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State 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.
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.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued 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:

Des Plaines State Conservation Area

Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

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Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be 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) Pursuant to 520 ILCS 5/1.13, at the Lee County State Conservation Area (Green River) and the Iroquois County State Conservation Area, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$25 residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
 - 3) Pursuant to 520 ILCS 5/1.13, at the Des Plaines State 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 pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$25 residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the [Friday/Saturday](#) between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
 - 4) At Chain O'Lakes State Park, Horseshoe Lake State Park (Madison County), Ramsey Lake State Park and Silver Springs State Park, hunters

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must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting: 2 pheasant permit – \$25 residents and \$35 non-residents; 3 pheasant permit – \$36; 4 pheasant permit – \$45. On days requested by the concessionaire and authorized by the Department, hunters under 16 are not required to pay a hunting permit fee.

- 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 non-toxic shot size ballistically equivalent to No. 5 lead 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 or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances 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, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

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Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State 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 State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving 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 (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

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

Silver Springs State Park (two 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

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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 34 Ill. Reg. _____, effective _____)

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 24 hours before the hunt date established in Section 530.95. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us>, by email at: dnr.pheasant@illinois.gov or by writing to the 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

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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: dnr,pheasant@illinois.gov 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 and the World Shooting and Recreational Complex.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 530.95 Youth Pheasant Hunting Regulations

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
- 1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

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 State Conservation Area

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Edward R. Madigan State Park

Lee County State Conservation Area (Green River)

Iroquois County State 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)

- 4) [the Saturday two weeks before the opening of the statewide upland game season:](#)

[World Shooting and Recreational Complex](#)

- 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., [and except at the World Shooting and Recreational Complex hunting hours are from 1:00 p.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, [Mackinaw River State Fish and Wildlife Area](#) and Edward R. Madigan State Park. Hunters under age 16 are not required to pay a daily fee.
- 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 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 or smaller may be used.
- h) Daily limit.
- 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines State Conservation Area, Eldon Hazlet State Park, Iroquois County State Conservation Area, Horseshoe Lake State Park (Madison County), Johnson-Sauk Trail State Park, Moraine View State Park, Sand Ridge

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State Forest, ~~and~~ Wayne Fitzgerald State Park [and the World Shooting and Recreational Complex](#).

- 2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County State 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 34 Ill. Reg. _____, effective _____)

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

- a) General Site Regulations
 - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites that are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 4) On sites that 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.

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- 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 State 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 State Wildlife Management Area
 - Cape Bend State Fish and Wildlife Area (1)
 - Carlyle Lake State Lands and Waters (Corps of Engineers Managed Lands)
 - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
 - Crawford County State Conservation Area (1)
 - Cypress Pond State Natural Area (1)

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Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island State 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)

Ferne Clyffe State Park (1)

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

Ft. Massac State Park (1)

Fulton County State 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 State Conservation Area (1)

Hanover Bluff State Natural Area (1)

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

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

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer seasons) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek

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Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake State 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) (1)

Marshall State 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 State Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

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

Mississippi River Pools 21, 22, 24

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

Nauvoo State Park (Max Rowe Unit only)

Oakford State Conservation Area

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

Pyramid State Park (1)

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Rall Woods State Natural Area (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 State 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 State Conservation Area (1)

Sam Dale Lake State 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 State Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest State Natural Area (1)

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)

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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 State Conservation Area (Firing Line Management Area only) (1) (2)

Washington County State 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)

[Weldon Springs/Piatt County Unit \(closed during first and second firearm deer seasons\) \(1\)](#)

Wildcat Hollow State Forest

[Winston Tunnel State Natural Area \(1\)](#)

[Wise Ridge State Natural Area](#)

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

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

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

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Chauncey Marsh State Natural Area (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 State 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 8 a.m. to 4 p.m. only)

Newton Lake State Fish and Wildlife Area (closed during firearm

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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:

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

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)

Coffeen Lake State Fish and Wildlife Area – Upland Management Area (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; rabbit hunting only after the close of the

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[pheasant and quail season](#); each permit authorizes the holder to bring 2 hunting partners)

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

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)

[Finrock State Habitat Area \(each permit authorizes the holder to bring 5 hunting partners\) \(3\)](#)

Freeman Mine Habitat Area (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 [6, 10, 11, 13, 17, 24, 27, 11, 12, 14, 18, 25, 28](#) and December [1, 8, 9, 11, 15, 16, 18, 9, 10, 12, 16, 17, 19](#); 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

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

Ilo Dillin State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (2)(3)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game 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)

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

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)

Milks Grove Pheasant Habitat Area (each permit authorizes the

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holder to bring 3 hunting partners) (3)

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

Pyramid State Park – Captain Unit (open only November [6, 10, 13, 17, 24, 27, 11, 14, 18, 25, 28](#); December [1, 8, 11, 15, 18, 26, 16, 19, 23, 26, 30](#); and January [5, 8, 12, 2, 6, 9, 13](#); each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – Denmark Unit (open only November [10, 13, 17, 24, 28, 10, 14, 18, 25, 29](#); December [1, 8, 11, 15, 19, 22, 26, 16, 19, 23, 27, 30](#); and January [5, 9, 12, 3, 6, 9, 13](#); each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open only November [6, 10, 13, 17, 24, 27, 11, 14, 25, 28](#); December [1, 8, 15, 18, 22, 26, 16, 19, 23, 26, 30](#); and January [5, 8, 12, 2, 6, 9, 13](#); 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 5 hunting partners) (3)

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

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday 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)

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

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

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

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

Chain O'Lakes State Park (open Wednesday through Friday following permit pheasant season) (1)

Des Plaines State 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 (no quail or rabbit hunting; controlled pheasant hunting area and for 5 consecutive days only) (1)

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Iroquois County State Wildlife Management Area (open Wednesday through Sunday following permit pheasant season, excluding Christmas) (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)

Silver Springs State Park (dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays) (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 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.70	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update sites open for hunting and site-specific information for the 2010 season.
- 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
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 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: January 2010

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 590
DUCK, GOOSE AND COOT HUNTING

Section	
590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and - Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

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amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 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. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924,

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effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:
- Banner Marsh State Fish and Wildlife Area
 - Double T State Fish and Wildlife Area
 - Horseshoe Lake State Fish and Wildlife Area
 - Marshall State Conservation Area – Duck Ranch Unit
 - Rice Lake State Fish and Wildlife Area – Walk-in Units
 - Sangchris Lake State Park subimpoundment
 - Snakeden Hollow State Fish and Wildlife Area
 - Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit
 - Union County State Fish and Wildlife Area
- b) Permit Requirements
- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
 - 2) Permits shall 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

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configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].

- 3) The permit shall be for the use of the entire blind or staked site/area. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, and Union County State Fish and Wildlife Area; or 2 partners (hunters or non-hunters; 3 persons per stake/area) for Rice Lake State Fish and Wildlife Area – Walk-in Unit; or 3 partners (hunters or non-hunters; 4 persons per blind or staked site/area) for Banner Marsh State Fish and Wildlife Area, Double T State Fish and Wildlife Area, Marshall State Conservation Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office – Waterfowl
P.O. Box 19457
Springfield IL 62794-9457

- c) General regulations
 - 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at:
 - A) Snakeden Hollow State Fish and Wildlife Area from two weeks before duck season through close of Central Zone Canada goose season.

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- B) Double T State Fish and Wildlife Area from October 1 through the close of the Central Zone Duck hunting season.

2) Hours, Permits and Stamp Charges

- A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, which close at 12 noon.
- B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, Rice Lake State Conservation Area – Walk-in Units and Union County State Fish and Wildlife Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment [and at Marshall State Conservation Area – Duck Ranch Unit](#) hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time. At ~~Marshall State Conservation Area – Duck Ranch Unit~~ and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters are required to check in at the check station no later than one hour before legal shooting time; after that time, permits are void. At Double T State Fish and Wildlife Area, hunters must check in by 4:30 a.m. at the Rice Lake check station. Permits are void after 4:30 a.m. Check out is required at all sites listed in this Section.
- C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not

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required to purchase a daily usage stamp.

- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh State Fish and Wildlife Area, Marshall State Conservation Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, Horseshoe Lake State Fish and Wildlife Area, Union County State Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned locations (blinds, stakes, areas or pits) only and hunters shall not move from assigned location to another location or leave the assigned location and return.
- 4) Guns must be unloaded and encased at all times when not hunting. Except at Union County and Horseshoe Lake State Fish and Wildlife Areas, all hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
- 5) The legal hunting seasons for Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area are the dates of the South Zone duck and goose hunting seasons except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth Waterfowl Hunt) and December 24, 25, 26 and 27. (These sites shall be open only for the Illinois Youth Goose Hunt on December 27, pursuant to Section 685.110.)
- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh State Fish and Wildlife Area and Rice Lake State Fish and Wildlife Area – Walk-in Units is the dates of the Central Zone duck hunting season.

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- 8) The legal hunting season for the Sangchris Lake Subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of the second firearm deer season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(41)(B)).
- 9) The legal hunting season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit is the opening day of the Central Zone duck hunting season and every Tuesday, Thursday and Sunday of the Central Zone duck hunting season, except the second Sunday in November, which is closed due to the Youth Hunt.
- 10) The legal permit hunting season at Double T State Conservation Area will be every Wednesday, Saturday and Sunday of the Central Zone duck hunting season.
- 11) The legal hunting season at Marshall State Conservation Area – Duck Ranch Unit is every Tuesday, Thursday, Saturday and Sunday during the Central Zone duck season.
- 12) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, during duck season hunters shall not possess more than 25 shot shells. When duck season is closed, hunters shall not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 13) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. At Sangchris Lake Subimpoundment only Department decoys may be used.
- 14) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, hunters cannot take guns from the blind to retrieve

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crippled waterfowl.

- 15) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.
- 16) At Rice Lake State Fish and Wildlife Area – Walk-in Units, hunting shall be by walk-in or boats without motors only.

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
 - 1) Anderson Lake State Conservation Area – All Management Units (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds)
 - 2) Batchtown State Wildlife Management Area(3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 3) Calhoun Point State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 4) The Glades State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 5) Godar-Diamond State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular

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Canada goose season shall close at sunset; 3 year blind allocation period)

- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing)
(except the last 3 days of duck season and the last 3 days of regular
Canada goose season shall close at sunset; 3 year blind allocation)
- 7) Lake DePue State Fish and Wildlife Area and Lake DePue Walk-in Unit
(aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the
exception of fasteners less than 12 inches in length, carpet, and plastic
snow fence or mesh will be prohibited in the construction of waterfowl
blinds; previous year's blind builders shall have until February 1 to salvage
blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall
have until February 1 to salvage blind materials; goose hunting prohibited
before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake State Fish and Wildlife Area (the use of any metal, with the
exception of fasteners less than 12 inches in length, carpet, felt paper,
plastic snow fence or any mesh material will be prohibited in the
construction of waterfowl blinds; previous year's blind builders have until
May 1 to remove their blinds)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas,
hunters are not required to hunt from a blind site during goose seasons
held after the duck season)
- 12) Spring Lake State Fish and Wildlife Area (the use of any metal, with the
exception of fasteners less than 12 inches in length, carpet, felt paper,
plastic snow fence or any mesh material will be prohibited in the
construction of waterfowl blinds; waterfowl hunters will have the option
to either construct a platform blind (4' x 8' with boat hide) or a boat hide
blind no less than 7.5' x 18' in dimension and fully enclosed on all four
sides, must include four shooting holes or ports and brushed (doors
capable of being closed are permitted for boat access); hunters choosing to
construct a boat type of blind will not be required to construct a dog hide;
blind numbers 2, 5, 6, 7, 8, 9, 10, 11, 12 ~~and~~, 14 ~~and~~ 19 must be removed

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in their entirety no later than 10 days after the close of the Central Zone waterfowl season, but may be removed beginning November 21; blinds 1, 3, 4, 13, 15, 16, 17, 18, [19](#) and 20 must be removed in their entirety by the previous year's blind builder no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed, or beginning November 21, at locations where the blind has been dismantled; the maximum horsepower for motors on the lake is 25 h.p.; goose hunting prohibited prior to the regular duck season)

- 13) Stump Lake State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
 - 15) William W. Powers Conservation Area (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet at all blind sites; all hunters must sign in prior to occupying blind and must sign out no later than one hour after closing time; closed Mondays and Tuesdays)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

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- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
- 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
- 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned. At Mississippi River Area Pools 25 and 26, hunters must be checked out within one hour after leaving their blinds.
- 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
- 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season, except on areas of Mississippi River Area Pools 25 and 26, Batchtown State Wildlife Management Area, Crull Hollow and Godar Refuge State Wildlife Area, which reopen the day after regular duck season closes.
- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
- 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

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- 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown State Wildlife Management Area, Calhoun Point State Wildlife Management Area, The Glades State Wildlife Management Area, Godar-Diamond State Wildlife Management Area, Horseshoe Lake State Park (Madison County) and Stump Lake State Wildlife Management Area (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
- 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

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Anderson Lake State Fish and Wildlife Area – West Point Management Unit (walk-in or boat; staked sites; daily draw)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by April 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake State Wildlife Management Area (one year blind allocation)

Des Plaines River State Conservation Area (goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake State Fish and Wildlife Management Area (daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Helmbold Slough State Wildlife Management Area (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi State Fish and Wildlife Area (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4

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shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the Northern Zone waterfowl season, but may be removed beginning November 15; backwater blinds 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 22, 23, 24 and 25 must be removed in their entirety by the previous years' blind builder by no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed)

Marshall State Conservation Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials; hunters are required to check in and check out at the self-check box located at the Lacon boat ramp)

Meredosia Lake State Fish and Wildlife Area (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

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Mississippi River Pools 21, 22, 24 (Federal Lands; hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island (river mile 332.5-340.5), Pool 22 – west of Ward Island (river mile 314.0-324.0), Pool 24 – west of Denmark Island (river mile 291.0-294.5); 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands State Natural Area (hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; goose hunting prohibited prior to the regular duck season)

Piasa Island State Wildlife Management Area (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 during regular duck season only)

Red's Landing State Wildlife Management Area (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at ~~12:00~~ 3:30 p.m. CST, ~~except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset~~; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake State Natural Area (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.) (hunting from boat

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blinds is permitted within 10 feet of marked blind sites)

Riprap Landing State Wildlife Management Area (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed; [walk-in area shooting hours end at 12:00 p.m. CST daily](#))

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone duck and/or Canada goose seasons are open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of staked blind sites beginning November 15 for those blinds removed on or after November 15; staked blind locations that have not had a blind built may be hunted the entire season from a boat blind anchored within 10 feet of the numbered blind stake; blind locations not built shall be available on a first come-first served basis; hunting from boat blinds within 10 feet of staked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
 - 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first

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served basis.

- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area.
- 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area the limit of 4 persons does not apply.
- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
- 10) It shall be unlawful to trespass upon the designated waterfowl hunting area

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during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of regular duck season through the day before regular duck season as posted at the site.

- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake State Wildlife Management Area

Des Plaines State Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake State Natural Area

- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).

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- 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
 - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
 - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
 - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
 - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site specific regulations
- 1) Blanding State Wildlife Area
Federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
 - 2) Boston Bay (Mississippi River Pool 18)
No permanent blinds may be built; temporary blinds only; 200 yards apart.
 - 3) Cache River State Natural Area (1)

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- 4) Campbell Pond State Wildlife Management Area (1)
- 5) Cape Bend State Fish and Wildlife Area (1)
- 6) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
 - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
 - C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
 - D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
 - E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
 - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of

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the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.

- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
 - H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
 - I) During the last 3 days of Canada goose season, hunting hours shall close at sunset daily.
 - J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only:
 - i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 7) Chauncey Marsh State Natural Area (1)

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Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

- 8) Clinton Lake State Recreation Area (1)
 - A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
 - B) Except as described in subsections (b)(8)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
 - C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.
 - D) Hunting from permanent land-based blinds is permitted only from Disabled Hunting Program and Salt Creek Waterfowl Management Area blinds.
 - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
 - F) Except for the Handicap Hunting Program facilities and Salt Creek Waterfowl Management Area, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
 - G) There will be no hunting within 200 yards of developed areas or

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construction zones and 300 yards of electrical power lines.

- H) Hunting within the Salt Creek Waterfowl Management Area will, on designated days, be available only through a drawing conducted at the site. Procedures for applying for a permit at the site will be publicly announced.
- 9) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.
- C) No permanent blinds.
- D) Hunting by boat access only.
- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.
- 10) Copperhead Hollow State Wildlife Area (1)
Hunters must obtain a free permit from the site office; permit must be in possession while hunting; permit must be returned and harvest reported by February 15; failure to return the permit will result in loss of hunting privileges at the site for the following year.
- 11) Cypress Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at the

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end of each day.

- 12) Deer Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 13) Devil's Island State Fish and Wildlife Area (1)
- 14) Dog Island State Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 15) Donnelley State Wildlife Area
 - A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
 - B) Goose hunting is prohibited after the close of the duck season.
 - C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
 - D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
 - E) A hunter may bring one or 2 hunting partners under the age of 21.
 - F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
 - G) No outboard motors are allowed by public – only by authorized DNR personnel.
 - H) No more than 3 persons shall occupy a blind at any one time.

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- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
 - J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
 - K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
 - L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 16) Fort de Chartres Historic Site (1)
- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
 - B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
 - C) No hunting is allowed during firearm deer season.
- 17) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 18) Fox River (1)
- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
 - B) Waterfowl hunting shall be from Department designated sites only

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on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.

- 19) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations ~~promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority~~ of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. ~~Statewide regulations shall be in effect with no other Sections of this Part applicable.~~
- 20) Freeman Mine
Hunting regulations will be publicly announced.
- 21) Heidecke State Fish and Wildlife Area, Braidwood State Fish and Wildlife Area and Powerton Lake State Fish and Wildlife Area
 - A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
 - B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
 - C) Access to water blind sites must be by boat only and from designated boat launch sites.

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- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.

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- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- 22) Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)
- 23) Horseshoe Lake (Alexander County) Public Hunting Area
- A) Closed to waterfowl hunting on Mondays and Tuesdays.
- B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 24) Horseshoe Lake Refuge
No hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.
- 25) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit
Site permit required.
- 26) Kaskaskia River State Fish and Wildlife Area (1)
The last 3 days of both the duck season and the regular Canada goose season.
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys

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must be picked up at the end of each day's hunt.

- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
 - ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
 - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at 4:00 a.m. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a staked location in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; moving from staked location to staked location is not allowed. Staked locations not allocated during the drawing will not be hunted that day. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards

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between hunting parties.

- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
 - i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station after hunting.

- 27) Kickapoo State Recreation Area
 - A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.
 - B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
 - C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
 - D) Each hunting party must hunt over a minimum of 12 decoys.
 - E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
 - F) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
 - G) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.

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- H) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- I) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind.

28) Kinkaid Lake State Fish and Wildlife Area (1)

29) Mermet Lake State Conservation Area

- A) Waterfowl hunting shall be permitted during duck season only.
- B) No fishing on the area during duck season.
- C) Hunting hours are from legal opening until 1:00 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- D) Manned check station will be closed Christmas Day and every Sunday and Monday during regular duck hunting season. Walk-in hunting will be allowed on Sundays and Mondays.
- E) Blind/[poolstake](#) sites shall be allocated on a daily drawing basis at the manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). All hunters are required to deposit their hunting licenses before entering the areas. One additional drawing will be held at the manned check station at 9 a.m. for any unoccupied waterfowl blinds/[poolsstakes](#).
- F) Hunters shall register as a party/group of up to 4 hunters for the drawing (except on the statewide youth waterfowl hunting day, as authorized in 17 Ill. Adm. Code 685.110(c) when 5 people may occupy a blind/[poolstake](#) at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind/[poolstake](#) in the order drawn; only those hunters registered in

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that party/group shall be allowed to hunt with the party.

- G) Upon allocation of blinds/~~poolstake~~, all hunting parties/hunters must accept and hunt the blind/~~poolstake~~ chosen, or reject the allocation of the blind/~~poolstake~~ immediately. All those rejecting the allocation of a blind/~~poolstake~~ shall be ineligible to hunt within the blind/~~pool~~ area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind/~~poolstake~~ per day.
- H) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- I) Waterfowl hunters must have their waterfowl hunting tag filled out with the date and blind/stake number or hunting location. The card must be in possession of the hunter while hunting. All waterfowl harvested must be reported on the waterfowl hunting tag and returned daily to the drop box at the hunter check station no later than 2:00 p.m.
- J) All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.
- K) Within the blind area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- L) A 25 shotgun shell limit per hunter, per day, applies on this area. It is unlawful for a hunter to have in his or her possession more than 25 shotgun shells while on the site.
- M) Hunting must be from allocated blind (or within 10 yards of blind) or ~~poolstaked~~ location. Hunters may hunt other designated waterfowl hunting areas that do not have blinds or ~~poolstake~~; however, they must maintain a minimum distance of 200 yards from the nearest blind,~~stake~~ or other hunting parties.

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- N) Attempts to claim a blind/[poolstake](#) by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. Insertion of a boat into a boat hide and/or the spread of decoys before a blind/[poolstake](#) shall not be considered legal occupation of a blind.
- O) Due to safety factors, persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by a parent, legal guardian, or person designated by the parent or guardian who is 18 years of age or older.
- P) Claiming or attempting to claim any blind/[poolstake](#) that is legally occupied and/or harassing, in any manner, the occupants of a blind/[poolstake](#) that is legally occupied is unlawful.
- Q) Boats without motors may be used within the walk-in areas.
- 30) Newton Lake State Fish and Wildlife Area
- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m. daily.
- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.

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- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- H) Access to water blind sites shall be by boat only and from the east side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.
- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

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- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
 - O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.
 - P) During the last 3 days of Canada Goose season, hunting hours shall close at sunset daily.
- 31) Oakford State Conservation Area (1)
- 32) Pyramid State Park – Captain Unit
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
 - B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
 - C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
 - D) All hunters must register as a group not to exceed 4 names per card. A hunter's name may only appear on one lottery card.
 - E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
 - F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter

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check station box.

- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
 - H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
 - I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
 - J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private property boundary.
 - K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
 - L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
 - M) The area is closed to waterfowl hunting on Mondays and December 25.
- 33) Pyramid State Park – Denmark Unit
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
 - B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.

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- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is

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described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.

- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
 - M) The area is closed to waterfowl hunting on Mondays and December 25.
- 34) Pyramid State Park – East Conant Unit
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
 - B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
 - C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
 - D) No more than 4 hunters to a party.
 - E) No waterfowl hunting within 100 yards from any private property boundary.
 - F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
 - G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
 - H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

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- I) The area is closed to waterfowl hunting on Mondays and December 25.
- 35) Pyramid State Park – Galum Unit
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
 - B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
 - C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
 - D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
 - E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
 - F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
 - G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
 - H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
 - I) Waterfowl hunters may not hunt on main lakes other than staked

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locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

- J) No waterfowl hunting within 100 yards of any private property boundary.
 - K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
 - L) The area is closed to waterfowl hunting on Mondays and December 25.
- 36) Ray Norbut State Fish and Wildlife Area (1)
- 37) Rend Lake Project Lands and Waters
- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
 - B) No hunting permitted from the subimpoundment dams.
 - C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
 - D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
 - E) All boat traffic is prohibited from entering the subimpoundments from ~~the closing of youthone week before~~ waterfowl season until opening day of regular waterfowl season.
 - F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

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- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the check station in their possession while hunting.
 - iv) Hunting parties can only hunt from the pit location that they chose in that day's drawing. No moving to or hunting from any other pit location is allowed.
 - v) No more than 6 dozen decoys may be used per pit.
 - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

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- J) During the last 3 days of Canada goose season, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located.

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- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) All hunters must register at the check station. Hunters arriving at the check station after the initial draw will have the opportunity to select any stakes that are still available up to one hour before legal shooting time. Hunters may enter the subimpoundment up to ½ hour before legal shooting time or between 9:00 a.m. and 9:30 a.m.
- v) Hunting parties can only hunt from the staked hunting location that they chose in that day's drawing. No moving to or hunting from any other staked hunting location is allowed. Once a staked hunting location is killed out, no other hunting party may hunt from that stake for the remainder of that day.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

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- 38) Sahara Woods State Fish and Wildlife Area (1)
- 39) Saline County State Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.
 - B) Walk-in hunting only.
 - C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 40) Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)
- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
 - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
 - C) Hunters must report harvest to site office.
- 41) Sanganois State Fish and Wildlife Area
- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
 - B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
 - C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
 - D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm

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Owner's Identification Cards before proceeding to area.

- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the Central Zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.

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- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.
- 42) Sangchris Lake State Park
- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(42)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

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- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake

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during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
 - R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
 - S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
 - T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
 - U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
 - V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.
- 43) Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited at Lower Bluff Lake. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

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- 44) Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.
- 45) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
- A) All hunting must be by walking into the area.
 - B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
 - C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
 - D) Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.
- 46) Shelbyville State Fish and Wildlife Area
- A) Waterfowl hunting shall be permitted as described in this subsection (b)(46)(47) except in duly posted restricted and "No Hunting" areas.
 - B) Waterfowl hunting in the Fish Hook, North Dunn, McGee, and Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing for the first 2 days of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply.
 - i) All parties must hunt within 10 yards of their assigned stake.

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- ii) All parties must be in place by ½ hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in [this](#) subsection (b)(46)(C)(47)(B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis for the first 14 days of the Illinois Central Zone duck season, except as noted in [this](#) subsection (b)(46)(C)(47)(B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas is required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which can be obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit hunting privileges at this site for the following year.

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- 47) Sielbeck Forest State Natural Area (1)
- 48) Stephen A. Forbes State Park
- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
 - B) Only walk-in hunting is allowed in the subimpoundment.
 - C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.
- 49) Ten Mile Creek State Fish and Wildlife Area (1)
- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
 - B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
 - C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- 50) Turkey Bluffs State Fish and Wildlife Area (1)
All hunters must sign in and out and report kill.
- 51) Union County State Fish and Wildlife Area (Firing Line Waterfowl Management Area)
- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and

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no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

52) Weinberg-King State Park – Spunky Bottoms Unit (1)
No access restrictions; sign in/sign out required.

[53\) Wise Ridge State Natural Area \(1\)](#)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 590.70 Ohio River

- a) Waterfowl hunting will be allowed on the Ohio River bordering Illinois. Season dates and bag limits are governed by the regulations which apply to the Southern Zone (Section 590.10(i)(5)).
- b) The following areas of the Ohio River shall be designated as waterfowl refuges and shall be closed to all hunting from October 15 through March 15:
 - 1) The Ohio River from Smithland Lock and Dam upstream to a power line crossing the river at approximately River Mile 911.5 and Stewart Island.
 - 2) The Ohio River in the vicinity of the Ballard Wildlife Management Area located in Ballard County, Kentucky, from a point 50 yards upstream from

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Dam 53, downstream to a line from the confluence of Hodges Creek to a point fifty yards downstream of the downstream boundary of the Ballard Wildlife Management Area.

c) Waterfowl hunting hours shall end at 2:00 p.m. local time daily within areas open to hunting on the Ohio River Islands Wildlife Management Area and the Kentucky portion of the Ohio River from the power line crossing at river mile 911.5 north to Carrsville, Kentucky.

d)e) Violation of this Section is a petty offense (see 520 ILCS 5/2.2).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d), (e) and (f)) with the following exceptions:
- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
 - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
 - 6) During goose seasons held prior to regular duck season, no hunting is

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allowed in designated dove management fields or within 100 yards of such fields.

- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
 - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open to all goose hunting seasons:
- Blanding State Wildlife Area @
 - Cache River State Natural Area *
 - Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *
 - Chain O'Lakes State Park #
 - Chauncey Marsh State Natural Area (permit required, available at Red Hills State Park)
 - Clinton Lake State Recreational Area – early season goose hunting in waterfowl hunting areas east of Parnell Bridge and North of Route 54 only. Any goose hunting seasons after the regular Canada goose seasons will close March 15.
 - Des Plaines State Conservation Area #
 - Devil's Island State Fish and Wildlife Area
 - Dog Island State Wildlife Management Area *
 - Fort de Chartres Historic Site
 - Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to

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claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) # *

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) *

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units * @

Meredosia Lake State Fish and Wildlife Area

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area, Crull Hollow Rest Area and Godar Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford State Conservation Area

Rend Lake Project Lands and Waters @

Saline County State Conservation Area *

Sanganois State Fish and Wildlife Area * @

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Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek State Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Weinberg-King State Park – Spunky Bottoms Unit (1)

Woodford State Fish and Wildlife Area * @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season:

Anderson Lake (closed after regular duck season) * @

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season) * #

Lake Shelbyville – West Okaw and Kaskaskia State Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

Siloam Springs State Park (open prior to regular duck season only) * #

- d) The following sites will be open to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh State Fish and Wildlife Area * @

Braidwood State Fish and Wildlife Area ([when duck season is closed, goose](#)

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[hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit](#)*

Double T State Fish and Wildlife Area (hunters must check in and out at the self-check box on the site; hunting from stakes or pits only; 4 persons per stake; hunters cannot check in before 5:00 a.m. the day of the hunt; stakes or pots allocated on a first come-first served basis)*

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue State Fish and Wildlife Area *

Lake Sinnissippi State Fish and Wildlife Area

[Mermet Lake State Fish and Wildlife Area * @](#)

Newton Lake State Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area (hunting from registered blinds or within 10 yards of staked blind sites is permitted after the close of the duck season) *

Starved Rock State Park *

William W. Powers State Conservation Area

- e) The following sites will be open to any goose hunting seasons that occur after the regular Canada goose hunting season:

Double T State Fish and Wildlife Area (from pits or staked blind sites only)*

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)
* @

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

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Island Units (site permit and harvest report required)

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Peabody River King State Fish and Wildlife Area (East Subunit only; no hunting on or adjacent to lakes or within 200 yards of roads, developed recreation areas, public use facilities and construction or industrial sites; hunting is on a first come-first served basis; no entry before 4:30 a.m.; waterfowl hunters must maintain a distance of 200 yards between hunting parties; no permanent blinds allowed; all blinds must be of a portable nature and/or constructed with natural vegetation at the blind site; no pits can be dug; all materials must be removed or dismantled at the end of the day's hunt; all waterfowl hunting parties must use at least 12 decoys that must be attended at all times and must be picked up at the end of each day's hunt) *

Pyramid State Park – Captain Unit (no hunting in Captain Unit Waterfowl Rest Area) @

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit @

Sangchris Lake State Park *

Stephen A. Forbes State Park *

Snakeden Hollow State Fish and Wildlife Area (from pits only) *

Union County State Conservation Area (firing line and controlled hunting area) *
@

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Donnelley State Fish and Wildlife Area

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Mazonia State Fish and Wildlife Area *

~~Mermet Lake State Fish and Wildlife Area~~

Powerton Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake State Natural Area

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

- h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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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>Proposed Action:</u>
680.20	Amendment
680.30	Repeal
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) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: raise the fee for a permit from \$15 to \$17.50 in Section 680.20, repeal Section 680.30 because group permits are now sold over-the-counter, and update language in Section 680.80 pertaining to a daily site lottery.
- 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
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

- 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: January 2010

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

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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 (Repealed)
680.30	Deer Permit Requirements – Group Hunt <u>(Repealed)</u>
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; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008; amended at 33 Ill. Reg. 11601, effective July 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid Late-Winter Deer Season

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Permit (~~\$17.50~~~~\$15~~), or an unfilled firearm, muzzleloader or youth deer permit valid for the previous firearm, muzzleloader or youth 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 county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth 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.

- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:
 - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or
 - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
 - 2) Sites conducting a daily site lottery will be announced publicly.
- b) Resident Late-Winter Deer Permits will be available for sale over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the second Tuesday in December ~~+~~ through the last day of the Late-Winter Deer Season. For counties in Unit A, there shall be no limitation on permit sales; hunters may purchase as many permits as they wish for any or all of the included counties. For counties in Unit B, hunters may purchase only a single permit for each of the included counties.
- c) For a Special Hunt Area permit, resident hunters may apply online at <http://www.dnr.state.il.us/admin/deer.htm> for a site-specific permit valid for one of the Department's Special Hunt Areas. The application period begins the last Tuesday in October and ends the fourth Monday in November. Permits will be allocated via a lottery drawing. Unallocated permits will be available for sale over-the-counter.

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- ~~d)e)~~ For the applicant to be eligible to receive a Late-Winter Deer Permit (~~\$17.50~~~~\$15~~), he/she must be an Illinois resident and not have had his/her 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.
- ~~e)d)~~ Hunters purchasing Late-Winter Deer Permits must supply all necessary application information to the agents in order to properly complete the permit.
- ~~f)e)~~ Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- ~~g)f)~~ Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.
- ~~h)g)~~ A \$3 service fee shall be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- ~~i)h)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 680.30 Deer Permit Requirements – Group Hunt (Repealed)

- ~~a) Up to six individuals may apply to hunt as a group.~~
- ~~b) Each individual must sign his or her own application.~~
- ~~e) 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: Repealed at 34 Ill. Reg. _____, effective _____)

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

Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up than can be accommodated at sites announced as having a daily site lottery~~hunter quota~~ (e.g.,

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press release, site posting and publication in Outdoor Illinois). Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Pyrotechnic Distributor and Operator Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 230
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
230.20	Amend
230.25	Amend
230.30	Amend
230.40	Amend
230.50	Amend
230.55	New
230.60	Amend
230.65	New
230.70	Amend
230.80	Amend
230.90	Amend
230.100	Amend
230.105	New
230.110	Amend
230.120	Amend
230.130	Amend
230.140	Amend
230.150	Amend
230.160	Amend
230.170	Amend
230.180	Amend
230.190	Amend
230.200	Amend
230.210	Amend
230.220	Amend
230.230	Amend
230.250	Amend
230.280	Amend
230.290	New
- 4) Statutory Authority: 225 ILCS 227 Pyrotechnic Distributor and Operator Licensing Act
- 5) A Complete Description of the Subjects and Issues Involved: Section 230 is being amended and added to as a result of amendments to the Pyrotechnic Distributor and

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Operator Licensing Act that added a production company licensing category. Specifically, this rulemaking removes the requirement that the license fee be submitted with the application, changes the definitions to match the Act, and changes "ATF" to "BATFE" throughout. Additionally, four Sections are added to implement changes in the Act: 1) Section 230.55 lists qualifications for the production company distributor license, 2) Section 230.65 lists qualifications for production company lead operator licensing approvals, 3) Section 230.95 lists qualifications for the production company lead operator, and 4) Section 230.90 creates the Music Task Force. Sections 230.30 and 230.160 is amended to reflect the name change of the Pyrotechnic Use Act and to add "pyrotechnic services" to coverage under the rules. Section 230.100 is amended to specify what must be included in the new applications, and Section 230.100(b)(7) is amended to allow fully signed copies of the Illinois Display Reports to be submitted as letters of reference. Pyrotechnic Duties Reports are required to be submitted under 230.200. The amendments to Section 230.140 add the time limit for the production company license and production company operator license. Section 230.150 is being amended to add the fees for the production company distributor license as well as the production company lead operator license. Section 230.170 is amended to state the time period for production company distributor licenses and production company lead operator licenses. The changes to Sections 230.190 and 230.210 changes the time period for notice to the Office. Section 230.230 is amended to include employing a non-licensed production company lead operator as an offense.

- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Alec Messina
General Counsel's Office
Attn: 41 Ill. Adm. Code 230
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
- Facsimile: 217/558-1320
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that provides pyrotechnic displays or services. Municipalities that issue permits for pyrotechnic displays or services within their corporate limits. Not for profit corporations will be affected only to the extent that it would provide pyrotechnic displays or services.
- B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies that provide pyrotechnic displays or services are required to maintain records on services provided. Units of local government that issue permits for such displays are required to maintain records on such permits.
- C) Types of professional skills necessary for compliance: Individuals prove competence to provide pyrotechnic displays or services by training, testing and experience which demonstrated conformance to national standards published for the particular type of pyrotechnic device.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the new amendments was not anticipated at the time that the agendas were published.

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 230

PYROTECHNIC DISTRIBUTOR AND OPERATOR LICENSING RULES

Section	
230.10	Scope
230.20	Definitions
230.25	Incorporated and Referenced Materials
230.30	General Requirements for Pyrotechnic Displays
230.40	Compliance Standards
230.50	Qualifications for Distributor License
230.55	Qualifications for Production Company License
230.60	Qualifications for Limited Distributor License
230.65	Qualifications for Production Company Lead Operator Licensing Approval
230.70	Qualifications for Outdoor Professional License
230.80	Qualifications for Proximate Audience License
230.90	Qualifications for Flame Effect License
230.100	Application for License
230.105	Applications Received Between June 16 and July 5
230.110	Proximate Audience and Flame Effect Licensing Review Committee
230.120	Written Examination for Proximate Audience License and/or Flame Effect License
230.130	Use of Assistants
230.140	License Renewal
230.150	Fees
230.160	Possession of License
230.170	Notification to OSFM Office
230.180	Replacement and Duplicate License
230.190	Report of Theft or Loss of Fireworks
230.200	Reporting of Professional, Proximate Audience and Flame Effect Displays
230.210	Report of Injury or Property Damage
230.220	Inspections
230.230	Immediate Suspension
230.240	Administrative Actions
230.250	Appeal of an Administrative Action
230.260	Modifications to NFPA 1126
230.270	Modifications to NFPA 160

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230.280 Criminal History Investigation

230.290 Music Entertainment Pyrotechnics Task Force

230.APPENDIX A Propane Flow Diagram: Standard with No Accumulator

230.APPENDIX B Propane Flow Diagram: Standard with Accumulator

AUTHORITY: Implementing and authorized by Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30] and Section 4.1 of the Pyrotechnic Use Act [425 ILCS 35/4.1].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 1485, effective January 23, 2006; emergency expired June 21, 2006; adopted at 31 Ill. Reg. 8757, effective June 5, 2007; amended at 34 Ill. Reg. _____, effective _____.

Section 230.20 Definitions

For purposes of this Part, the term:

"1.3G fireworks" means fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334 or UN0335 by the United States Department of Transportation (USDOT) under 49 CFR 172.101. [225 ILCS 227/5] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). (See 49 CFR 172.101.)

"Act" means the Pyrotechnic Distributor and Operator Licensing Act.

"Applicant" means an individual applying for a license under this Part.

"Assistant" means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

"~~BATFEATF~~" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. [225 ILCS 227/5]

"Consumer fireworks" means fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR ~~Parts~~ 1500 and 1507, and classified as fireworks UN0336 or UN0337 by USDOT under 49 CFR 172.101. "Consumer

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fireworks" does not include a substance or article exempted under the [Pyrotechnic Fireworks Use Act](#). [225 ILCS 227/5] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). (See 49 CFR 172.101.)

"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks. [225 ILCS 227/5]

"DNR" means the Illinois Department of Natural Resources.

"Facility" means an area being used for the conducting of a pyrotechnic display business, but does not include residential premises except for the portion of any residential premises that is actually used in the conduct of a pyrotechnic display business. [225 ILCS 227/5]

"FBI" means the Federal Bureau of Investigation.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged in accordance with NFPA 160. [225 ILCS 227/5]

"Flame effect license" means a license issued to a qualified lead pyrotechnic operator for flame effect displays. A license may be limited to a certain type of display, effect or location.

"Illinois [Display Report](#)~~display report~~" means the report filed by the lead operator with [OSFM](#)~~the Office~~ providing certain information with respect to the pyrotechnic display.

"ISP" means the Illinois Department of State Police.

"Lead pyrotechnic operator" or "lead operator" means the on-site individual, who is at least 21 years of age, with overall responsibility for safety, setup, discharge, and supervision of a pyrotechnic display [or pyrotechnic service](#). [225 ILCS 227/5]

"License" means the license issued by [OSFM](#)~~the Office~~ pursuant to the Act and this Part.

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"Licensee" means the individual licensed in accordance with the Act and this Part.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization.

~~"Office" means the Office of the State Fire Marshal. [225 ILCS 227/5]~~

"Officer" means:

if the applicant is a political subdivision of the State, an appointed or elected official; or

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any person exercising managerial control; or

if the business is a corporation, any officer or director of the corporation, any person who has at least 10% ownership interest in the corporation, or any person exercising managerial control.

"OFSM" means the Office of the State Fire Marshal.

"Outdoor professional display" means an outdoor pyrotechnic display that uses 1.3G fireworks and is at least 75' from the audience in accordance with NFPA 1123.

"Outdoor professional license" means the license issued to a qualified lead pyrotechnic operator for 1.3G fireworks.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. [225 ILCS 227/5]

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"Production company" means any person in the film, digital and video media, television, commercial, and theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, or theatrical production in the State of Illinois. [225 ILCS 227/5]

"Proscenium curtain" means the curtain covering the opening of the stage that is constructed and mounted in a manner that intercepts hot gases, flames and smoke and that prevents flame from a fire on the stage from becoming visible from the auditorium side.

"Proximate audience display" means a display of special effects fireworks that occurs within a building or structure or that occurs outside before an audience closer than 75' to the pyrotechnic or flame devices.

"Proximate audience license" means a license issued to a qualified lead pyrotechnic operator for proximate audience displays. The license may be limited to a certain type of display, effect or location.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce a visual or audible effect of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged. [225 ILCS 227/5]

"Pyrotechnic distributor" or "distributor" means any person, ~~company, association, group of persons, or corporation~~ who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services. [225 ILCS 227/5]

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect. [225 ILCS 227/5]

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such and must be identified as "intended for indoor use". Special

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effects fireworks are classified as fireworks UN0431 or UN0432 by USDOT under 49 CFR 172.101. [225 ILCS 227/5] USDOT assigns the following division numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G) and UN0432 (1.4S). (See 49 CFR 172.101.)

"Supervision" means direction and management of the activities of personnel in the safety, setup and display of a pyrotechnic display.

"USDOT" means the United States Department of Transportation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.25 Incorporated and Referenced Materials

a) The following national regulations and standards are incorporated in this Part:

1) National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471:

A) NFPA 101, Life Safety Code (2000)

B) [NFPA 140, Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations \(2008\)](#)

CB) NFPA 160, Standard for the Use of Flame Effects Before an Audience (2006)

DE) NFPA 1123, Code for Fireworks Display (2006)

ED) NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience (2006)

2) Federal Statutes

Federal Explosives Law, 40 USC 841

3) Federal Regulations

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A) [BATFEATE](#)

27 CFR 555, Commerce in Explosives (2006)

B) Consumer Product Safety Commission

i) 16 CFR 1500, Hazardous Substance and Articles;
Administration and Enforcement Regulations

ii) 16 CFR 1507, Fireworks Devices

C) USDOT

49 CFR 172.101, Purpose and Use of Hazardous Materials Table
(2005)

b) All incorporations by reference of NFPA standards and federal regulations refer to the standards and regulations on the date specified and do not include any amendments or editions subsequent to the date specified.

c) The following Illinois statutes and regulations are referenced in this Part:

1) Statutes

A) [Pyrotechnic Fireworks Use Act \[425 ILCS 35\]](#)B) [Pyrotechnic Distributor and Operator Licensing Act \[225 ILCS 227\]](#)C) [Illinois Explosive Act \[225 ILCS 210\]](#)

2) State Regulations

[Department of Central Management Services](#)

Travel (80 Ill. Adm. Code 2800)

Department of Natural Resources ([62 Ill. Adm. Code](#))

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The Illinois Explosive Act (62 Ill. Adm. Code 200)

Department of State Police ([20 Ill. Adm. 1215.50](#))

Illinois Uniform Conviction Information Act (20 Ill. Adm. Code 1215)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.30 General Requirements for Pyrotechnic Displays

- a) All pyrotechnic displays [or pyrotechnic services](#) require a permit issued by the appropriate local governmental authority in accordance with the [Pyrotechnic Fireworks Use Act \[425 ILCS 35\]](#).
- b) All pyrotechnic displays [or pyrotechnic services](#) require the services of a licensed pyrotechnic distributor [or a licensed production company](#) and a licensed lead pyrotechnic operator in accordance with this Part.
- c) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display [or pyrotechnic services](#) and shall personally supervise all assistants, including all phases of the pyrotechnic display.
- d) The fire chief of the local jurisdiction or his/her designee must inspect and approve the display site for all pyrotechnic displays [or pyrotechnic services](#) to ensure that the site is safe to conduct a display.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.40 Compliance Standards

- a) All pyrotechnic displays shall be conducted in accordance with the edition of the following copyrighted standards and recommended practices:
 - 1) NFPA 1123;
 - 2) NFPA 1126, as modified by Section 230.260; ~~or~~
 - 3) NFPA 160, as modified by Section 230.270; [or](#)

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4) NFPA 140.

- b) Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by BATFEATF at 27 CFR 555 or by DNR pursuant to Article 3 of the Illinois Explosive Act. Should there be a conflict between the requirements established by BATFEATF and DNR, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.
- c) In addition to the preceding standards, all indoor pyrotechnic displays must meet the requirements of the Pyrotechnic Fireworks Use Act and shall only be held in one of the following types of buildings:
- 1) Buildings having an automatic sprinkler system protecting the seating area and stage [425 ILCS 35/2.1];
 - 2) Buildings having an automatic sprinkler system protecting the stage that is equipped with a proscenium curtain, as required by NFPA 101, that will automatically deploy in the event of a fire. In no event may an effect be downstage of the proscenium curtain, i.e., on the audience side of the curtain; or
 - 3) Stadia and arenas without automatic sprinkler system protection over the floor area used for contest, performance, or entertainment; over the seating areas; or over open-air concourses where, as required by NFPA 101, Section 12.3.5, Exception 4, an approved engineering analysis substantiated the ineffectiveness of the sprinkler protection due to building height and combustible loading.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.50 Qualifications for Distributor License

- a) Except as provided in this Section, no license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act (in particular Section 35) and paid the required application fee.
- b) The applicant must have a current license from BATFE for the type of pyrotechnic service or pyrotechnic display service provided BATFEATF. In the

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event the applicant's license has expired, the applicant must submit proof from ~~BATFEATF~~ that the license is in the process of being renewed. ~~OSFM~~~~The Office~~ may issue the applicant temporary authorization to act until ~~BATFEATF~~ renews the applicant's license. In the event the applicant distributes only flame effect pyrotechnic displays, the applicant must submit an affidavit, signed under penalties of perjury, identifying the full extent of pyrotechnic services the applicant provides, and all materials used. With respect to these pyrotechnic services, the applicant shall acknowledge that he or she does not transport, receive, distribute, possess, store, or acquire for use any material that requires a ~~BATFEan-ATF~~ license.

- c) The applicant must have a current Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays and/or the applicant never transports materials in quantities that require registration with USDOT, the applicant must submit an affidavit, signed under penalty of perjury. In this affidavit, the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an acknowledgement that the applicant never transports materials in quantities that require registration with USDOT. If the applicant never transports materials in quantities that require registration with USDOT, but takes possession of such materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of those materials and provide copies of the documents to ~~OSFM~~~~the Office~~ upon request.
- d) At least one officer of a pyrotechnic distributor must be a licensed lead pyrotechnic operator for the type of display services provided.
- e) An out-of-state person hired for or engaged in pyrotechnic services or a pyrotechnic display must have a pyrotechnic distributor license issued by ~~OSFM~~~~the Office~~, or be employed by a licensed pyrotechnic distributor and hold a lead pyrotechnic operator license issued by OSFM. [225 ILCS 227/10]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.55 Qualifications for Production Company License

- a) Except as provided in this Section, no license shall be granted to an applicant who is not a production company that provides pyrotechnic display services or

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pyrotechnic services as part of any production, has not reached the age of 21, has not met the requirements of the Act (in particular Section 35) and paid the required application fee.

- b) The applicant must have a current Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays, and/or the applicant never transports materials in quantities that require registration with USDOT, the applicant must submit an affidavit, signed under penalty of perjury. In this affidavit the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an acknowledgement that the applicant never transports materials in quantities that require registration with USDOT. If the applicant never transports materials in quantities that require registration with USDOT, but takes possession of those materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of those materials and provide copies of the documents to OSFM upon request. Alternatively, this information may be provided by the licensed lead pyrotechnic operator for the production company.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 230.60 Qualifications for Limited Distributor License

- a) Except as provided in this Section, no limited distributor's license shall be granted to an applicant that is not a political subdivision of the State, met the requirements of the Act (in particular Section 35) and paid the required application fee.
- b) Pursuant to Section 845(a)(3) of the Federal Explosives Law, the transportation, shipment, receipt, or importation of explosive materials for delivery to a political subdivision of the State does not require the political subdivision of the State to hold a license issued by [BATFEATF](#).
- c) The applicant must have a current Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays, and/or the applicant never transports materials in quantities that require registration with USDOT, the applicant must submit an affidavit, signed under penalty of perjury. In this affidavit, the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an

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acknowledgement that the applicant never transports materials in quantities that require registration with USDOT. If the applicant never transports materials in quantities that require registration with USDOT, but takes possession of such materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of those materials and provide copies of the documents to [OSFMthe Office](#) upon request.

- d) The applicant must provide, for approval by [OSFMthe Office](#), *proof of having the requisite knowledge, through training, examination, or continuing education*, of the pyrotechnic materials and pyrotechnic displays it provides. [225 ILCS 227/35(c)(8)]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.65 Qualifications for Production Company Lead Operator Licensing Approval

a) Outdoor Professional Licensing Approval

1) No licensing approval shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act.

2) The applicant must have a current license or Letter of Clearance from [BATFE](#) for the type of pyrotechnic service or pyrotechnic display provided. In the event the applicant's license has expired, the applicant must submit proof from [BATFE](#) that the license is in the process of being renewed. If an applicant has applied for, but not received, a [BATFE](#) explosives license or a Letter of Clearance, or if the license is being renewed, [OSFM](#) may issue the applicant temporary authorization to act until [BATFE](#) issues the applicant an explosives license or Letter of Clearance, or renews the license.

3) The applicant must provide proof of successful completion of the [DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that \[OSFM\]\(#\) determines to be substantially equivalent.](#)

b) Proximate Audience Licensing Approval

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1) No licensing approval shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act.

2) The applicant must have a current license or a Letter of Clearance from BATFE for the type of pyrotechnic service or pyrotechnic display provided. In the event the applicant's license has expired, the applicant must submit proof from ATF that the license is in the process of being renewed. If an applicant has applied for, but not received, a BATFE explosives license or a Letter of Clearance, or if the license is being renewed, OSFM may issue the applicant temporary authorization to act until ATF issues the applicant an explosives license or Letter of Clearance, or renews the license.

3) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that OSFM determines to be substantially equivalent.

4) An applicant for a proximate audience licensing approval must achieve a passing score of 80% on a written examination administered by OSFM in accordance with Section 230.120.

5) The applicant must submit evidence of experience that includes active participation in the safe performance of at least 10 proximate audience displays. The applicant must have performed the duties of a lead operator in at least 2 of these displays (either pursuant to a license from another state or under the supervision of a lead operator).

6) Acceptable documentation of experience includes:

A) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the display; or

B) A copy of the Illinois Display Report (see Section 230.200).

c) Flame Effect Licensing Approval

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- 1) No licensing approval shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act.
- 2) An applicant for a flame effect licensing approval must achieve a passing score of 80% on a written examination administered by OSFM in accordance with Section 230.120.
- 3) The applicant must submit evidence of experience, which must include active participation as a lead operator or assistant in the safe performance of at least 10 flame effect displays. The applicant must have performed the duties of a lead operator in at least 2 of these flame effect displays (either pursuant to a license from another state or under the supervision of a lead operator).
- 4) Acceptable documentation of experience includes:
 - A) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the flame effect display; or
 - B) A copy of the Illinois Display Report (see Section 230.200).
- d) **Additional Requirements for Licensed Lead Pyrotechnic Operator Employed by Production Company**
The lead pyrotechnic operator employed by a licensed production company may be required by the production company to have and provide an Identification Number and Hazardous Materials Registration Number issued by USDOT or provide OSFM the appropriate information and affidavit as is required in Section 230.55(b).

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 230.70 Qualifications for Outdoor Professional License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.

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- b) The applicant must have a current license or a Letter of Clearance from [BATFEATF](#). In the event the applicant's license has expired, the applicant must submit proof from [BATFEATF](#) that the license is in the process of being renewed. If an applicant has applied for, but not received, [a BATFEan-ATF](#) explosives license or a Letter of Clearance, or if the license is being renewed, [OSFMthe Office](#) may issue the applicant temporary authorization to act until [BATFEATF](#) issues the applicant an explosives license or Letter of Clearance, or renews the license.
- c) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that OSFM determines to be substantially equivalent.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.80 Qualifications for Proximate Audience License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) The applicant must have a current license or a Letter of Clearance from [an BATFEATF](#). In the event the applicant's license has expired, the applicant must submit proof from [BATFEATF](#) that the license is in the process of being renewed. If an applicant has applied for, but not received, [a BATFEan-ATF](#) explosives license or a Letter of Clearance, or if the license is being renewed, [OSFMthe Office](#) may issue the applicant temporary authorization to act until [BATFEATF](#) issues the applicant an explosives license or Letter of Clearance, or renews the license.
- c) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that OSFM determines to be substantially equivalent.
- d) An applicant for a proximate audience license must achieve a passing score of 80% on a written examination administered by [OSFMthe Office](#) in accordance with Section 230.120.

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- e) The applicant must submit evidence of experience that includes active participation in the safe performance of at least 10 proximate audience displays. The applicant must have performed the duties of a lead operator in at least 2 of these displays (either pursuant to a license from another state or under the supervision of a lead operator).
- f) Acceptable documentation of experience includes:
 - 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the display; or
 - 2) A copy of the Illinois Display Report (see Section 230.200).
- g) Due to the special nature of proximate audience displays, ~~OSFM~~~~the Office~~ may issue either a proximate audience license or a limited proximate audience license that will license the individual to conduct only certain types of displays or effects or limit the show to a certain venue.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.90 Qualifications for Flame Effect License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) An applicant for a flame effect license must achieve a passing score of 80% on a written examination administered by ~~OSFM~~~~the Office~~ in accordance with Section 230.120.
- c) The applicant must submit evidence of experience, which must include active participation as a lead operator or assistant in the safe performance of at least 10 flame effect displays. The applicant must have performed the duties of a lead operator in at least 2 of these flame effect displays (either pursuant to a license from another state or under the supervision of a lead operator).
- d) Acceptable documentation of experience includes:

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- 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the flame effect display; or
- 2) A copy of the Illinois Display Report (see Section 230.200).
- e) Due to the special nature of a flame effect display, ~~OSFM~~the Office may issue a flame effect license or a limited flame effect license that will license the individual to conduct only certain types of effects or conduct shows limited to a certain venue.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.100 Application for License

- a) All applications for a pyrotechnic distributor license shall be signed and submitted on forms provided by ~~OSFM~~the Office and shall include the following information:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business, including a copy of each officer's driver's license or other government issued ID showing date of birth and photograph. This information shall be required from only one officer of a political subdivision of the State.
 - 3) In accordance with Section 230.150, no license shall be issued until the applicable fee has been paid. After reviewing the application, OSFM will invoice the licensee for the fee.~~The applicable license fee identified in Section 230.150.~~
 - 4) A Certificate of Insurance showing proof of not less than \$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance that covers the pyrotechnic display service or pyrotechnic service provided and proof of Illinois Workers' Compensation~~worker's compensation~~

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insurance. [225 ILCS 227/35(c)] The insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to ~~OSFM~~the Office. Insurance coverage shall be an occurrence based policy, or its equivalent, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed. If a political subdivision of the State is self-insured, the applicant shall submit an affidavit acknowledging its self-insurance.

- 5) A copy of the current license issued by ~~BATFE ATF~~for the type of pyrotechnic service or pyrotechnic display service provided or proof from ~~BATFEATF~~ that a license is in the process of being renewed. In the event the applicant distributes only flame effect pyrotechnic displays, the applicant shall submit a sworn affidavit as set forth in Section 230.50(b). In the event the applicant is a political subdivision of the State, the applicant shall submit an affidavit acknowledging its status.
 - 6) The Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays and the applicant never transports materials in quantities that require registration with USDOT, the applicant shall submit a sworn affidavit as set forth in Section 230.50(c).
 - 7) Proof that the applicant met the requirements of Section 230.50.
 - 8) If providing display services, the name of the officer who is licensed for those types of services.
 - 9) In accordance with Section 230.280-~~of this Part~~, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.
- b) The pyrotechnic distributor shall submit to ~~OSFM~~the Office the applications of its employees applying for a lead pyrotechnic operator license. All applications for the license shall be signed by the applicant and submitted on forms provided by

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~~OSFM~~~~The Office~~ and must be accompanied by the following additional information:

- 1) A copy of the applicant's driver's license or other government issued identification that includes the date of birth and photograph.
- 2) A photograph, approximately 1¼" x 1½", taken within the preceding 2 years. The photograph must show the applicant from a front view with his or her full-face and head and shoulders visible. ~~OSFM~~~~The Office~~ will reject photographs showing the applicant wearing sunglasses, hats, scarves, or any object that obscures the applicant's identity.
- 3) A copy of a current license or a Letter of Clearance from ~~BATFEATF~~ for the type of pyrotechnic service or pyrotechnic display provided. In the event the applicant's license has expired, the applicant must submit proof from ~~BATFEATF~~ that the license is in the process of being renewed. A current license or Letter of Clearance from ~~BATFEATF~~ is required for both the outdoor display and proximate audience licenses. In the event the applicant has only applied for a ~~BATFEan-ATF~~ explosives license or Letter of Clearance, the applicant shall submit an affidavit, signed under penalty of perjury, with a copy of the completed ~~BATFEATF~~ application attached, acknowledging when he/she submitted an application to ~~BATFEATF~~ for processing.
- 4) In the event the applicant participates in only flame effect pyrotechnic displays, the applicant shall submit an affidavit, signed under penalty of perjury, acknowledging that he/she only participates in the safety, setup, discharge, and supervision of flame effect pyrotechnic displays. The affidavit shall acknowledge that, with regard to the services provided, the applicant does not transport, receive, distribute, possess, store, or acquire for use any material that requires a ~~BATFEan-ATF~~ license.
- 5) In accordance with Section 230.150, no license shall be issued until the applicable fee has been paid. After reviewing the application, OSFM will invoice the licensee for the fee.~~The applicable license fee identified in Section 230.150.~~
- 6) Proof that the applicant met the requirements of Section 230.70(c), 230.80(c) or 230.90(b), whichever is applicable to the respective license.

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- 7) References from at least 3 individuals, who are not affiliated with the pyrotechnic distributor who employs the applicant, who can verify the experience reported or any training received by the applicant. All references must include the name, address, phone number, and agency or organization represented by the person submitting the reference. These references can be from permitting officials, law enforcement officials who had oversight at a display, fire department personnel who approved and reviewed pyrotechnic displays performed by the applicant in the past, and other individuals who can attest to the applicant's training, experience, and manner in performing displays. In addition, these letters should identify the basis for the opinion expressed in the letter, i.e., how does that person know the applicant and what facts support the opinion expressed in the letter. A copy of a fully signed Illinois Display Report may serve as a letter of reference.
- 8) In accordance with Section 230.280 ~~of this Part~~, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.
- c) All applications for a production company license shall be signed and submitted on forms provided by OSFM and shall include the following information:
- 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business, including a copy of each officer's driver's license or other government issued ID showing date of birth and photograph.
 - 3) In accordance with Section 230.150, no license shall be issued until the applicable fee has been paid. After reviewing the application, OSFM shall invoice the licensee for the fee.
 - 4) A Certificate of Insurance and a copy of the insurance policy showing proof of not less than \$2,000,000 in commercial general liability

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insurance that covers any damage or injury resulting from the pyrotechnic display services or pyrotechnic services provided. [225 ILCS 227/35]

The insurance coverage shall provide for a minimum of 30 days coverage after written notice to OSFM of cancellation. Insurance coverage shall be an occurrence based policy, or its equivalent, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed. The insurer shall not cancel the insured's coverage or remove an additional insured from the policy coverage without notifying OSFM in writing at least 15 days before cancellation. [225 ILCS 227/35]

5) *Proof of Illinois Workers' Compensation insurance. [225 ILCS 227/35(c-3)]*

6) *The Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays and the applicant never transports materials in quantities that require registration with USDOT, the applicant shall submit a sworn affidavit as set forth in Section 230.50(c). Alternatively, the production company's lead pyrotechnic operator may provide such proof. [225 ILCS 227/35(c-3)]*

7) *Identify the OSFM approved lead pyrotechnic operator being employed by the company. [225 ILCS 227/35(c-3)]*

8) *In accordance with Section 230.280, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.*

d) *All applications for approval of lead operators that may be employed by a production company shall be signed by the applicant and submitted on forms provided by OSFM and must be accompanied by the following additional information:*

1) *A copy of the applicant's driver's license or other government issued identification that includes the date of birth and photograph.*

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4. 2) A photograph, approximately 1¼" x 1½", taken within the preceding 2 years. The photograph must show the applicant from a front view with his or her full face and head and shoulders visible. OSFM will reject photographs showing the applicant wearing sunglasses, hats, scarves, or any object that obscures the applicant's identity.
- 3) A copy of a current license or a Letter of Clearance from BATFE issued to the applicant for the type of pyrotechnic service or pyrotechnic display service provided. In the event the applicant's license has expired, the applicant must submit proof from BATFE that the license is in the process of being renewed. A current license or Letter of Clearance from BATFE is required for both outdoor and proximate audience licensing approvals. In the event the applicant has only applied for a BATFE explosives license or Letter of Clearance, the applicant shall submit an affidavit, signed under penalty of perjury, with a copy of the completed BATFE application attached, acknowledging when he/she submitted an application to BATFE for processing.
- 4) In the event the applicant participates in only flame effect displays, the applicant shall submit an affidavit, signed under penalty of perjury, acknowledging that he/she only participates in the safety, setup, discharge and supervision of flame effect pyrotechnic displays. The affidavit shall acknowledge that, with regard to the services provided, the applicant does not transport, receive, distribute, possess, store or acquire for use any material that requires a BATFE license.
- 5) List previous production company licenses held by the operator.
- 6) List pyrotechnic licenses issued to the operator by other states.
- 7) Proof that the applicant met the requirements of Section 230.65(a), (b) or (c), whichever is applicable to the respective license.
- 8) References from at least 3 individuals, who are not affiliated with the pyrotechnic distributor who employs the applicant, who can verify the experience reported or any training received by the applicant. All references must include the name, address, phone number, and agency or organization represented by the person submitting the reference. These

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references can be from permitting officials, law enforcement officials who had oversight at a display, fire department personnel who approved and reviewed pyrotechnic displays performed by the applicant in the past, and other individuals who can attest to the applicant's training, experience, and manner in performing displays. In addition, these letters should identify the basis for the opinion expressed in the letter, i.e., how does that person know the applicant and what facts support the opinion expressed in the letter. A copy of a fully signed Illinois Display Report may serve as a letter of reference.

9) In accordance with Section 230.280, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.

- ee) Upon receipt and review of the application, ~~OSFM the Office~~ shall issue the appropriate license or shall approve issuance of a license when employed by a production company or shall notify the applicant of the reason for the denial of the license.
- fd) Depending on an applicant's professional qualifications, as evidenced by information and documents submitted with his/her application, and on the nature and extent of an applicant's planned participation in permitted pyrotechnic displays, the Office may, within its sole discretion, issue a temporary license to an individual during the application process. The temporary license shall expire upon receipt of the appropriate license or notification of denial of the license.
- g) Upon issuance of a license to a production company, OSFM shall also issue a license to the lead pyrotechnic operator that has been approved in accordance with Section 230.100(d) and identified by the production company in its license application as required in Section 230.100(c)(7).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.105 Applications Received Between June 16 through July 5

With the exception of an application for a production company license or the issuance of a lead operator license to an individual that was approved for a production company lead operator's

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license, OSFM will not process any application for a new license or to renew a license during the period of June 16 through July 5.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 230.110 Proximate Audience and Flame Effect Licensing Review Committee

The State Fire Marshal shall appoint a review committee to review the experience and qualifications of an applicant for a proximate audience or flame effect license, and recommend the type of license to be issued.

- a) The committee shall consist of the following 3 members:
 - 1) The State Fire Marshal or his/her designee, as chair;
 - 2) One representative from a fire department that has experience in permitting proximate audience and flame effect displays within its jurisdiction; and
 - 3) One representative from a company that has experience in setting up and firing proximate audience and flame effect displays.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from ~~OSFM~~~~the Office~~ from appropriations for such purposes, in accordance with 80 Ill. Adm. Code 2800.
- c) All members shall have one vote.
- d) Members shall serve a term of 2 years.
- e) Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member or appoint a successor who is a representative of the same interests, as identified in subsection (a).
- f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for

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the remainder of the unexpired term by appointing a member who is a representative of the same interests.

- g) The committee shall meet each calendar quarter to review applications and at additional times as the committee deems necessary. The committee does not need to meet if there are no applications to review.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.120 Written Examination for Proximate Audience License and/or Flame Effect License

- a) An applicant for a proximate audience or flame effect license must have completed a written examination administered by [OSFMthe Office](#) and achieved a passing score of at least 80%.
- b) The written examination is designed to demonstrate the applicant's knowledge of the Act, this Part, and NFPA 1126 and/or NFPA 160 standards relating to safe practices for the storage, use, handling, discharge and display of fireworks and flame effects.
- c) The examinations are administered by [OSFMthe Office](#) at times scheduled during each calendar year. Contact [OSFMthe Office](#) to obtain the examination schedule. There is a \$25 fee for taking the examination.
- d) Persons failing to achieve a passing score of at least 80% are eligible to retake the examination after 30 days.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.130 Use of Assistants

No person may act as an assistant at any pyrotechnic display or flame effect display who has not reached the age of 18 and met the requirements of Section 35 of the Act. The pyrotechnic assistant must be registered with OSFM by the licensed distributor or the licensed production company on a form provided by OSFM prior to the time when the assistant begins work as an employee on the pyrotechnic display or pyrotechnic service. [225 ILCS 227/35(e)]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 230.140 License Renewal

- a) A license issued pursuant to this Part for distributors and their respective lead pyrotechnic operators is valid for 3 years from the date of issuance.
- b) An approval for a lead pyrotechnic operator for a production company is valid for a period of 3 years from the date of issuance.
- c) A license issued to a production company and its lead pyrotechnic operator is valid for the term of the production company's insurance policy or for the time specified by the production company, if shorter than the term of the insurance, and shall in no event exceed one year from the date of issuance. The license must be returned to OSFM upon expiration. If the license is not returned within 15 days after expiration, the production company or lead pyrotechnic operator shall not be issued a new license until the previous license is returned.
- db) Outdoor professional, proximate audience and flame effect licensees, and holders of production company lead operator approvals may renew their license during the 60-day period preceding and 60-day period following the expiration date by submitting a renewal application on forms provided by OSFM~~the Office~~, together with the required fee. Renewal applications shall be submitted by the distributor by whom the licensee is employed.
- ee) Any license that is not renewed within 60 days following its expiration will be cancelled. Except as set forth in subsection (g), any requests after that date to renew or restore will be treated as a new application.
- fd) The extended renewal periods under subsections (b) and (g) do not allow a licensee to engage in any conduct or activities for which a license is required during the 60-day period after the license's expiration date.
- ge) In addition, a licensee seeking to renew his/her outdoor professional, proximate audience or flame effect license or production company lead pyrotechnic operator licensing approval must include with the renewal application evidence that the licensee participated in at least:
- 1) 2 pyrotechnic displays as a lead operator for an outdoor professional display license;

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- 2) 6 proximate audience displays for a proximate audience license; or
- 3) 6 flame effect displays for a flame effect license.

hf) Licensees or production company lead pyrotechnic operator licensing approvals must provide evidence of satisfactory completion of at least 6 hours of continuing education in their respective area of licensure to ensure continued qualification of the licensee. Continuing education may be conducted by a federal or state agency, by an independent organization that has experience in the subject matter, or by the distributor.

ig) *Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service.* [225 ILCS 227/50(b)] These licensees must satisfy all other requirements of this Section in order to renew a license. Proof of service discharge date will be required to receive a waiver of fees.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.150 Fees

The following license fees will be invoiced to the applicant upon review and approval of the application, shall be paid to OSFMthe Office for administration of the Act and are non-refundable:

<u>Production Company License</u>	<u>\$200</u>
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<u>Production Company Lead Pyrotechnic Operator License</u>	<u>\$100</u>
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Pyrotechnic Distributor License and each renewal	\$500
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Limited Pyrotechnic Distributor License and each renewal (only available for political subdivisions of the State)	\$50
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<u>Production Company Lead Operator Approval</u>	<u>\$0</u>
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Outdoor Professional License and each renewal	\$100
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Proximate Audience License, Limited Proximate Audience License and each renewal	\$300
Flame Effect License, Limited Flame Effect License and each renewal	\$300
Replacement license (lost, stolen, or destroyed) or duplicate license (worn, damaged, or address change)	\$25

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.160 Possession of License

The lead operator must be in possession of, and be able to produce, his/her license upon request at all times during delivery, setup, and performance of the display or pyrotechnic service.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.170 Notification to Office

- a) Written communication with OSFM~~the Office~~, as identified in this Part, shall be mailed to:

Office of the State Fire Marshal
Pyrotechnic Licensing
1035 Stevenson Drive
Springfield, Illinois 62703-4259

- b) The licensee shall notify OSFM~~the Office~~ in writing within 5 business days after the following events:
- 1) Discovery that his/her license has been lost, stolen or destroyed.
 - 2) BATFEATF license has expired or BATFEATF has terminated, suspended or revoked a license or Letter of Clearance. A copy of any written notice of termination, suspension or revocation shall be sent to OSFM~~the Office~~.

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- 3) DNR explosives license has expired or DNR has terminated, suspended or revoked the license. A copy of any written notice of termination, suspension or revocation shall be sent to [OSFMthe-Office](#).
- 4) USDOT has changed the licensee's Identification Number. Proof of the licensee's new Identification Number shall be sent to [OSFMthe-office](#).
- 5) USDOT has changed the licensee's Hazardous Materials Registration Number. Proof of the licensee's new registration number shall be sent to [OSFMthe-Office](#).
- 6) The licensee's insurance company or the licensee has changed any of its insurance coverage. A new Certificate of Insurance showing proof of not less than *\$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance and proof of Illinois ~~Workers' Compensation~~ *Workers' Compensation* insurance* shall be sent to [OSFMthe-Office](#). [225 ILCS 227/35] The insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to [OSFMthe-Office](#) and shall comply with Section 230.100(a)(4). A production company distributor licensee shall send a new Certificate of Insurance and copy of the policy showing proof of not less than \$2,000,000 in general liability insurance and proof of Illinois Workers' Compensation insurance. The insurance coverage shall provide for a minimum of 30 days coverage after written notice to OSFM of cancellation and shall comply with Section 230.100. The insurer shall not cancel the insured's coverage or remove an additional insured from the policy coverage without notifying OSFM in writing at least 15 days before cancellation. [225 ILCS 227/35]
- 7) A distributor licensee or production company licensee has changed its officers. A sworn statement listing all of the distributor's current officers' names and personal addresses, and copies of each officer's driver's license, shall be sent to [OSFMthe-Office](#).
- 8) A distributor licensee or production company licensee no longer employs a lead operator. The distributor licensee or production company licensee shall provide [OSFMthe-Office](#) with the full name and last known address of the lead operator.

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- c) The licensee shall notify ~~OSFMthe Office~~ in writing within 10 days after a change in his/her address or name. Proof that the change in address or name had been done in accordance with the law shall be sent to ~~OSFMthe Office~~.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.180 Replacement and Duplicate License

- a) At any time a license has been lost, stolen or destroyed, the licensee shall notify ~~OSFMthe Office~~ as required in Section 230.170. Upon receipt of the written notification and the replacement license fee, ~~OSFMthe Office~~ will issue a replacement license.
- b) At any time a license becomes worn or damaged to the extent that it is illegible in any respect, or the licensee changes his/her address or name, the license must be returned to ~~OSFMthe Office~~. Upon receipt of the original license, proof of any changes necessary to maintain correct information as required in Section 230.170, and the duplicate license fee, ~~OSFMthe Office~~ will issue a duplicate license.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.190 Report of Theft or Loss of Fireworks

- a) A licensee shall report the theft or loss of fireworks to local law enforcement, DNR, and ~~BATFEATF immediately~~ and to ~~OSFMthe Office~~, by telephone, ~~immediately within 8 hours~~ after discovery. ~~OSFMThe Office~~ may be reached at 217-785-0969 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 800-782-7860, outside normal working hours.
- b) Within 24 hours after discovery of the loss or theft, ~~OSFMthe Office~~ must be provided written notice that includes a complete description of the fireworks, including the manufacturer, brand name, any manufacturer marking and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the licensee and shall be executed under penalty of perjury.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 230.200 Reporting of Professional, Proximate Audience and Flame Effect Displays

- a) Each licensee shall file an Illinois Display Report with ~~OSFMthe Office~~ within 30 days following any pyrotechnic display in which he/she acted as the lead operator. The report shall be filed on forms provided by ~~OSFMthe Office~~ and shall include the names and signatures of all lead operators and assistants.
- b) The lead operator shall fill out the Pyrotechnic Duties Report of assistants. The Illinois Display Report shall be signed by the chief of the fire department providing fire protection to the area of display or pyrotechnic service, or his or her designee.
- ~~cb)~~ The licensee shall maintain a copy of the Illinois Display Report and also record and maintain with the report the manufacturer or type, quantity and description of the fireworks.
- ~~de)~~ Licensee shall keep the record for a minimum of 4 years from the date of the display.
- ~~ed)~~ ~~OSFMThe Office~~ may require other information from the licensee relating to displays (for example, how safe was the device, how was the device used, why was this device chosen over another, what type of powder was used, etc.).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.210 Report of Injury or Property Damage

- a) The licensee shall notify ~~OSFMthe Office~~ ~~immediately~~~~within 8 hours~~ after the following incident:
- 1) A fire;
 - 2) An injury to any person resulting from the display; or
 - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.

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- b) ~~OSFM~~~~The Office~~ may be reached at 217-785-0969 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 800-782-7860, outside normal working hours.
- c) The licensee shall submit a written report to ~~OSFM~~~~the Office~~ within 3 days following a fireworks display conducted by the licensee if any of the following occurred:
- 1) Any of the incidents identified in subsection (a); or
 - 2) Whenever an unsafe or defective pyrotechnic product or equipment was used or observed.
- d) ~~OSFM~~~~The Office~~ may require other information from the licensee relating to fireworks displays.
- e) All pyrotechnic materials must be stored in accordance with regulations following personal injury, property damage in excess of \$500 or a fire until an investigation has been completed by OSFM.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.220 Inspections

- a) A licensee shall make all records required pursuant to Sections 230.190, 230.200 and 230.210 available to authorized representatives of ~~OSFM~~~~the Office~~ or the local governmental agency having jurisdiction.
- b) A licensee shall permit the display site and licensee's facility to be inspected at all reasonable times by representatives of ~~OSFM~~~~the Office~~ or the local governmental agency.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.230 Immediate Suspension

- a) ~~OSFM~~~~The Office~~ shall issue an order immediately suspending the license whenever ~~OSFM~~~~the Office~~ finds, based upon reasonable belief from on-site observation, record inspection by ~~OSFM~~~~Office~~ personnel, information received

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from law enforcement personnel or information received from the public, that a licensee:

- 1) Permitted a person to act as an assistant who did not meet the requirements of Section 230.130; or
 - 2) Permitted a lead operator to work for a production company under a license previously issued to a separate production company; or
 - 32) Violated the Act, this Part or compliance standard that may cause death or serious injury.
- b) ~~OSFM~~~~The Office~~ shall serve its order of immediate suspension of a license under this Section by personal service. The order shall also be sent by certified mail to the licensee's last known address.
 - c) ~~OSFM~~~~The Office~~ shall serve with the order of immediate suspension a notice containing the information set forth in subsection (a).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.250 Appeal of an Administrative Action

- a) Any person aggrieved by a decision, order or ruling of ~~OSFM~~~~the Office~~ may, as a matter of right, appeal that action.
- b) All appeal requests shall:
 - 1) Be in writing;
 - 2) Contain an address and telephone number where the appellant may be notified of the time and place of the hearing; and
 - 3) Set forth the reasons why the action of ~~OSFM~~~~the Office~~ should be reversed or modified.
- c) Appeals from a decision, order or ruling of the State Fire Marshal or his/her designees shall be instituted by filing a written request for a hearing no later than

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10 days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.

- d) The appeal request shall be mailed to:

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.280 Criminal History Investigation

- a) The applicant shall submit with his or her application a fingerprint card, using one of the methods identified in [subsections](#) (b) or (c) ~~below~~ *to enable ISP to conduct a criminal history check on the applicant.* [225 ILCS 227/40]
- b) An applicant may submit his/her fingerprints electronically to ISP through a certified Livescan vendor. The applicant must notify the Livescan vendor that the Purpose Code for the criminal history check is PDA, and the ORI number for [OSFMthe Office](#) is IL920690Z. When the Livescan vendor transmits the applicant's fingerprints to ISP, the Livescan vendor will collect the fee specified by ISP for processing fingerprint cards through the ISP and FBI criminal history record files and any additional processing fee charged by the Livescan vendor.
- c) In the event the applicant cannot submit his/her fingerprints through electronic means, he/she must obtain a Fee Applicant Card from ISP. An applicant may telephone the ISP Supply Room, 815-740-~~51605216~~, [listen to the automated attendant and select Customer Support](#) ~~to request a Fee Applicant Card~~. Because the Fee Applicant Card has a unique Transaction Control Number assigned to it, which ISP uses to process the criminal history check, fingerprint cards from other jurisdictions will not be accepted. Once completed, the applicant should mail the Fee Applicant Card directly to ISP at the address shown on the card, with the required processing fee described in subsection (d) ~~below~~.
- d) An applicant who submits his/her fingerprints directly to ISP on a Fee Applicant Card shall pay the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files. The ISP required processing fee may be

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made payable to the State Police Services Fund and shall be remitted to ISP for deposit into that Fund (see 225 ILCS 227/40).

- e) If an applicant is a business entity, all officers of the applicant shall submit a fingerprint card for a criminal history investigation in the form and manner identified in this Section.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 230.290 Music Entertainment Pyrotechnics Task Force

The Music Entertainment Task Force is established to study pyrotechnic displays and pyrotechnic services in the indoor and outdoor music industry in the State.

- _____ a) The Task Force shall consist of five members.
- _____ 1) The Speaker of the House of Representatives shall appoint two members.
- _____ 2) The Minority Leader of the House of Representatives shall appoint two members.
- _____ 3) OSFM shall appoint one member.
- _____ b) The Task Force members shall serve without salary.
- _____ c) The Task Force will meet as necessary.
- _____ d) OSFM will provide all staffing and administrative support for the Task Force.
- _____ e) The findings of the Task Force shall be reported to the House of Representatives by filing copies of the report with the Clerk of the House of Representatives no later than January 1, 2011.

(Source: Added at 34 Ill. Reg. _____, effective _____)

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- 1) Headline of the Part: Pyrotechnic and Consumer Display Permitting Rules
- 2) Code Citation: 41 Ill. Adm. Code 235
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
235.20	Amend
235.25	Amend
235.30	Amend
235.40	Amend
235.50	Amend
235.60	Amend
235.70	Amend
235.80	Amend
235.90	Amend
235.100	Amend
235.110	Amend
235.120	Amend
235.130	Amend
235.140	Amend
235.160	Amend
235.170	Amend
- 4) Statutory Authority: 425 ILCS 35 Pyrotechnic Use Act
- 5) A Complete Description of the Subjects and Issues Involved: Eight Sections of Part 235 are being amended as a result of amendments to the Pyrotechnic Use Act to include pyrotechnic services in the coverage of the rules. Section 235.20 is being amended to reflect changes in the definitions under the Act. Sections 235.40 and 235.60 are being amended to incorporate the NFPA 140 standard for motion pictures into the rules. Sections 235.30, 235.40, 235.60 and 235.70 are being amended to add "pyrotechnic services". Also, Sections 235.50 and 235.170 are being amended to change "ATF" to "BATFE". The amendment to Section 235.60 also adds requirements that notice of permits be sent to OSFM and that the permit must be signed by the fire chief providing protector or his designee. Sections 235.160 and 235.170 are being amended to change the time period for notice to OSFM.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 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? Yes
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Alec Messina
General Counsel's Office
Attn: 41 Ill. Adm. Code 235
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/558-1320

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that provides pyrotechnic displays or services. Municipalities that issue permits for pyrotechnic displays or services within their corporate limits. Not for profit corporations will be affected only to the extent that it seeks a permit for a pyrotechnic display.
 - B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies that provide pyrotechnic displays or services are required to maintain records on services provided. Units of local government that issue permits for such displays are required to maintain records on such permits.

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- C) Types of professional skills necessary for compliance: The party seeking the permit must show the company or individual providing the pyrotechnic display or services has the appropriate license issued by the Office and whatever additional requirements the local governmental entity requires.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the new amendments was not anticipated at the time that the agendas were published.

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 235

PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES

Section	
235.10	Scope
235.20	Definitions
235.25	Incorporated and Referenced Materials
235.30	General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays
235.40	Pyrotechnic Display Permit Requirements
235.50	1.3G Fireworks Display Compliance Standards
235.60	Indoor Special Effects Fireworks and Flame Effect Display Compliance Standards
235.70	Possession of License by Lead Operator
235.80	Consumer Operator Training
235.90	Consumer Fireworks Display Permit Requirements
235.100	Consumer Fireworks Display Compliance Standards
235.110	Consumer Distributors and Retailers
235.120	Forms
235.130	List of Approved Consumer Fireworks
235.140	Consumer Fireworks Review Committee
235.150	Record of Permits Issued
235.160	Report of Fire, Injury, or Property Damage
235.170	Report of Theft or Loss of Fireworks
235.180	Local Authority

AUTHORITY: Implementing and authorized by Section 4.1 of the Pyrotechnic Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 1515, effective January 23, 2006; emergency expired June 21, 2006; adopted at 31 Ill. Reg. 8792, effective June 5, 2007; amended at 34 Ill. Reg. _____, effective _____.

Section 235.20 Definitions

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For purposes of this Part, the term:

"1.3G fireworks" means those fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation (USDOT) under 49 CFR 172.101. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). (See 49 CFR 172.101.)

"Act" means the [Pyrotechnic Fireworks Use Act](#) [\[425 ILCS 35\]](#).

"Applicant" means the individual who is applying for a pyrotechnic or consumer display permit.

"Assistant" means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

"~~BATFEATF~~" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"Certificate of training" means the consumer operator has successfully completed training on the safe handling of consumer fireworks from a training program approved by the Office of the State Fire Marshal.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale. [425 ILCS 35/1]

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR 1500 and 1507, and classified as fireworks UN0336 or UN0337 by USDOT under 49 CFR 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; hand-held wire sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing .25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with

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the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than .20 grains of explosive mixture; the sale and use of which shall be permitted at all times. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). (See 49 CFR 172.101.)

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect. [425 ILCS 35/1]

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of the Act. [425 ILCS 35/1]

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit. [425 ILCS 35/1]

"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"DNR" means the Illinois Department of Natural Resources.

"Fire chief of the local jurisdiction" means the chief of the fire department providing fire protection coverage to the area of display, or his/her designee when expressly provided in the Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with NFPA 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display, who is responsible for the supervision of personnel at the pyrotechnic display, and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

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"License" means the license issued by ~~OSFM~~the Office pursuant to the Pyrotechnic Distributor and Operating Licensing Rules.

"Local governmental authority" means the appropriate city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization.

~~"Office" means the Office of the State Fire Marshal.~~

"Officer" means:

if the applicant is a political subdivision of the State, an appointed or elected official; or

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any person exercising managerial control; or

if the business is a corporation, any officer or director of the corporation, any person who has at least 10% ownership interest in the corporation, or any person exercising managerial control.

"OSFM" means the Office of the State Fire Marshal.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state, or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. [225 ILCS 227/5]

"Production company" means any person in the film, digital and video media, television, commercial, and theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media,

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television, commercial, or theatrical production in the State of Illinois and is licensed by OSFM pursuant to the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"Proscenium curtain" means the curtain covering the opening of the stage that is constructed and mounted in a manner that intercepts hot gases, flames and smoke and that prevents flame from a fire on the stage from becoming visible from the auditorium side.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged. [425 ILCS 35/1]

"Pyrotechnic distributor" means any person, ~~company, association, group of persons, or corporation~~ who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by OSFM pursuant to the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect. [425 ILCS 35/1]

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such and must be identified as "intended for indoor use". Special effects fireworks are classified as fireworks UN0431 or UN0432 by the USDOT under 49 CFR 172.101. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G) and UN0432 (1.4S). (See 49 CFR 172.101.)

"USDOT" means the United States Department of Transportation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.25 Incorporated and Referenced Materials

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- a) The following national regulations and standards are incorporated in this Part:
- 1) National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471:
 - A) NFPA 101, Section 12.3.5, Exception 4, Life Safety Code (2000)
 - B) [NFPA 140, Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations \(2008\)](#)
 - B) NFPA 160, Standard for the Use of Flame Effects Before an Audience (2006)
 - C) NFPA 1123, Code for Fireworks Display (2006)
 - D) NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience (2006)
 - 2) Federal Regulations
 - A) [BATFEATF](#)
27 CFR 555, Commerce in Explosives (2006)
 - B) Consumer Product Safety Commission
 - i) 16 CFR 1500, Hazardous Substance and Articles; Administration and Enforcement Regulations
 - ii) 16 CRF 1507, Fireworks Devices
 - C) USDOT
49 CFR 172.101, Purpose and Use of Hazardous Materials Table (2005)
- b) All incorporations by reference of NFPA standards and federal regulations refer to the standards and regulations on the date specified and do not include any amendments or editions subsequent to the date specified.

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- c) The following Illinois statutes and regulations are referenced in this Part:
- 1) Statutes
 - A) [Pyrotechnic Fireworks Use Act](#) [425 ILCS 35]
 - B) Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227]
 - C) Illinois Explosive Act [225 ILCS 210]
State Regulations
 - A) Office of the State Fire Marshal
Pyrotechnic Distributor and Operating Licensing Rules (41 Ill. Adm. Code 230)
 - B) Department of Natural Resources
The Illinois Explosives Act (62 Ill. Adm. Code 200)
 - C) Department of Central Management Services
Travel (80 Ill. Adm. Code 2800)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.30 General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays

- a) All pyrotechnic displays, [pyrotechnic services](#) ~~or~~ consumer fireworks displays require a permit issued by the appropriate local governmental authority in accordance with the Act and this Part.
- b) All pyrotechnic displays [or pyrotechnic services](#) require the services of a licensed pyrotechnic distributor [or licensed production company](#) and a licensed lead pyrotechnic operator [employed by a licensed pyrotechnic distributor or a licensed production company](#) in accordance with this Part.

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- c) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display [or pyrotechnic services](#) and shall personally supervise all assistants, including all phases of the pyrotechnic display.
- d) All consumer fireworks displays must be personally supervised by a consumer operator.
- e) The fire chief of the local jurisdiction must inspect and approve the display site for all pyrotechnic displays. [pyrotechnic services](#) ~~or~~ and consumer fireworks displays to ensure that the site is safe to conduct a display [or perform the services](#).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.40 Pyrotechnic Display Permit Requirements

- a) The local governmental authority may issue a pyrotechnic display permit to any adult applicant who meets the following minimum requirements:
 - 1) Proof of License. The issuing local governmental authority must verify that the pyrotechnic display services [or pyrotechnic services](#) are provided by a licensed pyrotechnic distributor [or licensed production company](#) and that the individual responsible for the setup and firing of the display is a licensed lead pyrotechnic operator [for the licensed distributor or licensed production company to whom the permit is issued](#).
 - 2) Proof of Insurance. The local governmental authority issuing the permit shall require *proof of liability insurance in a sum not less than \$1,000,000* [425 ILCS 35/2.1]. The insurance shall be carried with an insurer authorized to do business in Illinois and shall insure the applicant against liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to, or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the pyrotechnic display, [pyrotechnic service](#) or flame effect display. The insurance coverage shall be an occurrence based policy and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

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- 3) Fire Chief Approval. The fire chief of the local jurisdiction must have inspected the site and determined that the display [or pyrotechnic service](#) can be performed in full compliance with Sections 235.50 and 235.60 *and that the display [or pyrotechnic service](#) shall not be hazardous to property or endanger any person or persons.* [425 ILCS 35/2.1]
- b) Time Frame to Apply. The applicant must submit a written application for a permit *at least 15 days in advance of the date of the pyrotechnic display [or pyrotechnic service](#), unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display [or pyrotechnic service](#) will occur.* [425 ILCS 35/2.1]
- c) No Permit Required. *No permit shall be required for supervised public displays by State or County Fair Associations.* [425 ILCS 35/2.1]
- d) Age of Assistants. The issuing local governmental authority must verify that all assistants will be at least 18 years of age. [In accordance with Section 2001 of the Illinois Explosives Act, no person shall possess, use, purchase or transfer explosive materials unless at least 21 years of age and licensed by DNR, except as otherwise provided by the Illinois Explosives Act and the Pyrotechnic Distributor and Operator Licensing Act.](#)
- e) Identification and Signatures Required on the Permit. Each pyrotechnic display [or pyrotechnic service](#) permit must identify the lead pyrotechnic operator and must contain the signature of the issuing officer for the local governmental authority and the fire chief.
- f) *After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display [or pyrotechnic service](#) shall be lawful for that purpose only. No permit shall be transferable.* [425 ILCS 35/2.1]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.50 1.3G Fireworks Display Compliance Standards

All 1.3G fireworks displays and storage shall be conducted in accordance with NFPA 1123. Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by [BATFEATF](#) at 27 CFR 555 or by DNR pursuant to Article 3 of the Illinois Explosive Act. Should there be a conflict between the requirements established by [BATFEATF](#) and DNR,

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those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.60 Indoor Special Effects Fireworks and Flame Effect Display Compliance Standards

- a) All indoor special effects, ~~and/or~~ flame effect displays [and pyrotechnic services](#) and storage shall be conducted in accordance with:
- 1) NFPA 1126, as modified by 41 Ill. Adm. Code 230.260; ~~and/or~~
 - 2) NFPA 160, as modified by 41 Ill. Adm. Code 230.270; ~~and/or-~~
 - 3) [NFPA 140](#).
- b) The building in which the display [or pyrotechnic service](#) will occur must meet one of the following requirements:
- 1) The building must be protected throughout, including both the seating area and stage, by an automatic sprinkler system; or
 - 2) The stage must be protected by an automatic sprinkler system and have a proscenium curtain, as required by NFPA 101, that will automatically deploy in the event of a fire. No special effects fireworks device and/or flame effect device may be set up on the stage forward of the curtain, i.e., on the audience side of the curtain; or
 - 3) In stadia and arenas without automatic sprinkler system protection over the floor area used for contest, performance, or entertainment; over the seating areas; or over open-air concourses where, as required by NFPA 101, Section 12.3.5, Exception 4, an approved engineering analysis substantiated the ineffectiveness of the sprinkler protection due to building height and combustible loading. In the event a display will occur in a stadium or arena that does not have an automatic sprinkler system protecting the floor area used for contest, performance or entertainment, the seating areas or the open-air concourses, the applicant shall submit, to the local governmental authority and to the fire chief of the local

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jurisdiction or his/her designee, a written engineering analysis prepared by a licensed professional engineer and the written permission of the building owner.

- c) At any time pyrotechnic materials are on-site, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" that complies with [BATEAFE](#) and DNR (62 Ill. Adm. Code 200.700) requirements for Type 3 magazines.
- d) Each local governmental authority that intends to approve permits for indoor special effects displays ~~or~~ indoor flame effect displays [or pyrotechnic services](#) must have at least one inspector who is knowledgeable about NFPA [140](#), 160 and 1126 and who has received training from [OSFM](#) ~~the Office~~ in the safe setup of special fireworks and/or flame effect devices and the inspection of those displays.
- e) At least one inspector from the local jurisdiction must be present during the actual display [or pyrotechnic service](#) in a building that meets the requirements of subsection (b)(1). A minimum of one inspector and one member of the local fire service must be present during the actual display [or pyrotechnic service](#) in a building that meets the requirements of subsections (b)(2) and (b)(3). During the event, the inspector shall be in the immediate area of the lead pyrotechnic operator and the member of the local fire service shall be on the audience side of the proscenium curtain. In the event the show is of a repetitive nature and will be performed more than 3 times, continued stand-by of the inspector and the member of the local fire service after the third performance is at the fire chief's discretion. In the event the performance of the display is modified in a manner that affects the location or timing of the effects or the materials and/or products being used, then the inspector must be present during the initial 3 performances of the modified display.
- f) Each inspector or member of the local fire service assigned in subsection (e) must have working knowledge of the supplemental fixed or portable fire fighting equipment located at the display area and have a radio for direct communication in an emergency. They shall also be knowledgeable about crowd management and how to evacuate the building.
- g) *At the time an individual applies for an indoor pyrotechnic permit from the local jurisdiction, written notice of the permit application and the indoor display or pyrotechnic service information shall be made in writing at least 15 days in*

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advance of the date of the pyrotechnic display or pyrotechnic service to OSFM unless agreed to otherwise by OSFM. [425 ILCS 35/2.1]

- h) Permits shall be signed by the chief of the fire department providing fire protection to the area of display or pyrotechnic service, or his or her designee, and must identify the licensed pyrotechnic distributor or licensed production company and the lead pyrotechnic operator. [425 ILCS 35/2.1]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.70 Possession of License by Lead Pyrotechnic Operator

The lead pyrotechnic operator must be in possession of, and be able to produce, his/her license (see 41 Ill. Adm. Code 230) upon request at all times during the delivery, setup, and performance of the display or pyrotechnic service.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.80 Consumer Operator Training

- a) ~~OSFM~~The Office shall develop consumer fireworks training materials and related documents designed to instruct a person about the standards relating to safe practices for the storage, use, handling, discharge and display of consumer fireworks.
- b) ~~OSFM~~The Office shall offer training classes periodically during the year, depending on demand, to individuals who a local governmental authority designates its Consumer Fireworks Trainer. ~~OSFM~~The Office has the authority to charge a reasonable fee for this training and the related materials and documents. Upon completion of the class, the Consumer Fireworks Trainer will receive a certificate, valid for two years, that permits him/her to conduct consumer fireworks training classes in his/her jurisdiction. The Consumer Fireworks Trainer will also receive training materials and related documents from ~~OSFM~~the Office to use when training consumer operators.
- c) Local governmental authorities may only offer consumer fireworks training classes if their Consumer Fireworks Trainers have valid training certificates from ~~OSFM~~the Office.

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- d) All consumer operators must successfully complete a consumer fireworks training class approved by [OSFMthe Office](#). The local governmental authority from which a consumer operator seeks a Consumer Operator Display Permit shall offer this class. The local governmental authority may charge a fee for such a class, not to exceed the reasonable costs of providing the class. Upon completion of the class, the consumer operator will receive a certificate of completion that is valid for one year.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.90 Consumer Fireworks Display Permit Requirements

- a) The local governmental authority may issue a consumer fireworks display permit to any competent adult applicant who meets the following minimum requirements:
- 1) Certificate of Training. The applicant must provide the issuing local governmental authority his/her certificate of training as evidence of successful completion of a consumer fireworks training class approved by [OSFMthe Office](#). If an applicant holds a valid Lead Pyrotechnic Operator License for Outdoor Pyrotechnic Displays, he/she may provide a copy of his/her license to the local governmental authority as an alternative certificate of training.
 - 2) Fire Chief Approval. The fire chief of the local jurisdiction must have inspected the site and determined that the display can be performed in full compliance with Section 235.100.
- b) Time Frame to Apply. The applicant must submit a written application for a permit *at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.* [425 ILCS 35/3.1]
- c) *After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit shall be transferable to another individual.* [425 ILCS 35/2.2]

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- d) Signatures Required on the Permit. Each consumer display permit must contain the signature of the issuing officer for the local governmental authority and the fire chief.
- e) Assistants. If a consumer operator uses assistants at the display site, each assistant shall have successfully completed a consumer fireworks training class approved by [OSFM](#)~~the Office~~ and must provide proof of his/her valid certificate of training to the local governmental authority prior to issuance of the permit.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.100 Consumer Fireworks Display Compliance Standards

All outdoor consumer displays shall be conducted in accordance with the following minimum requirements:

- a) The location at which the consumer fireworks display will be detonated must be at least 200 feet, in all directions, away from any spectators, buildings, structures, or property lines, and must be free of any overhead obstructions.
- b) A fire extinguisher or water hose or buckets of water, sand and a shovel must be present while consumer fireworks are being prepared for firing, fired, and at all times after the display until all duds, misfires, and unused product have been properly disposed of and until the consumer operator has determined that fallout from the display does not pose a risk of fire.
- c) [Consumer operators shall only possess, use or explode approved consumer fireworks.](#) Consumer fireworks must be stored in a ready box, made of wood or metal, at all times. The ready box must be covered at all times, including during the discharge of a firework at the discharge site to prevent the accidental discharge of stored fireworks from fallout.
- d) The consumer operator must be in possession of and be able to produce his/her consumer fireworks display permit and certificate of training at all times he/she is present at the display site. If the consumer operator uses assistants, those assistants must be in possession of, and be able to produce, their certificates of training at all times they are present at the display site.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 235.110 Consumer Distributors and Retailers

- a) Prior to distributing, selling, transferring or providing free of charge any consumer fireworks, consumer distributors and consumer retailers shall require an individual to provide proof that he/she has been issued a permit in accordance with Section 235.90, or that he/she has registered with ~~OSFM~~~~the Office~~ as a consumer distributor or consumer retailer in accordance with this Section.
- b) All consumer distributors and consumer retailers must register with ~~OSFM~~~~the Office~~ before distributing, selling, offering for sale, exchanging for consideration, transferring or providing free of charge consumer fireworks in the State of Illinois and before advertising or using any title implying that the person is a consumer distributor or retailer. The applicant shall register on forms provided by ~~OSFM~~~~the Office~~ that shall include:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names, telephone numbers, and personal addresses of all owners or officers of the registering business, including a copy of each person's driver's license or other governmental identification that includes the date of birth and photograph.
 - 3) If the business operates under an assumed name, a copy of the assumed name certificate.
 - 4) The address of each location from which consumer fireworks will be distributed or retailed.
 - 5) The applicant's taxpayer identification number and proof of payment of taxes to the Illinois Department of Revenue (DOR). If the applicant does not pay taxes to DOR, the applicant shall submit a statement, sworn to under penalty of perjury, from the applicant or its tax preparer identifying why taxes are not paid.
 - 6) The fee of \$50 shall be payable by check to the Office of the State Fire Marshal for each location.

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- 7) [A copy of the letter or permit issued by the local governmental authority authorizing the applicant to distribute, sell, offer for sale, exchange for consideration, transfer or provide free of charge consumer fireworks at the locations identified in subsection \(b\)\(4\).](#)
- c) ~~OSFM~~~~The Office~~ shall issue a registration to transfer, provide, distribute and/or sell consumer fireworks or shall notify the applicant of the reason for the denial of registration.
- d) Registration shall permit the consumer distributor or consumer retailer to transfer, provide, distribute and/or sell consumer fireworks in Illinois for the calendar year in which registered.
- e) The consumer distributor or consumer retailer shall register each location from which it distributes or retails consumer fireworks separately.
- f) The registrant shall notify ~~OSFM~~~~the Office~~ in writing within 10 business days after the change in any of the information it provided to ~~OSFM~~~~the Office~~ to obtain registration. Proof that a change in name or address has been done in accordance with the law shall be sent to ~~OSFM~~~~the Office~~, including copies of new assumed name certificates. In the event a business has changed its officers, a sworn statement listing all of the current officers' names and personal addresses, including copies of each officer's driver's license, shall be sent to ~~OSFM~~~~the Office~~.
- g) *No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by ~~OSFM~~~~the Office~~. [425 ILCS 35/2.3] Requests for such approval shall be submitted in writing to ~~OSFM~~~~the Office~~.*
- h) [OSFM will not accept any applications to register a consumer distributor or retailer or for a new location after June 15 for the current July 4th season.](#)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.120 Forms

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All applications, permits, and site inspection records shall be on forms approved by [OSFMthe Office](#).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.130 List of Approved Consumer Fireworks

- a) [OSFMThe Office](#) will maintain a list of approved consumer fireworks. The list will be updated annually or as new consumer fireworks items are submitted to [OSFMthe Office](#) for approval by consumer distributors.
- b) The items placed on the list for distribution will be those that the Consumer Fireworks Review Committee has approved for consumer use.
- c) The criteria for allowing any particular type of pyrotechnic device (not by name) to be included on the list is based upon the following:
 - 1) The experience or data relating to non-professional use of the type of pyrotechnic in Illinois.
 - 2) The experience or data relating to non-professional use of the type of pyrotechnic in other states.
- d) Individuals wishing to request that a particular type of firework be included or excluded from the list may submit a written request to OSFM outlining the reasoning and/or experiences behind their request.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.140 Consumer Fireworks Review Committee

The State Fire Marshal shall appoint a review committee to review and approve the consumer fireworks that are permitted to be distributed and sold in the State.

- a) The committee shall consist of the following 5 members:
 - 1) The State Fire Marshal or his/her designee, as chair;
 - [2\)4\)](#) One representative from the Illinois Fire Chief's Association;

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3)5) One representative from a fire department that has experience in pyrotechnic displays;

4)6) One representative from a company that distributes consumer fireworks in the State; and

5)7) One representative from a company that distributes display fireworks in the State.

- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from ~~OSFM~~the Office from appropriations for such purposes, in accordance with 80 Ill. Adm. Code 2800.
- c) All members shall have one vote and serve a term of 2 years.
- d) The review committee shall approve or disapprove consumer fireworks based on a majority vote of the appointed members.
- e) The time frame for review shall be dependent on the type of firework and the amount of information the committee needs to compile to order to generate a decision.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.160 Report of Fire, Injury, or Property Damage

- a) Permit holders shall notify the local governmental authority issuing the permit within 24 hours after the following incident:
 - 1) A fire;
 - 2) An injury to any person resulting from the display; or
 - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.
- b) The local governmental authority issuing the permit shall notify ~~OSFM~~the Office of any fire, injury to any person, or damage to property in excess of \$500 that

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resulted from the pyrotechnic or consumer display. This notification shall be made by telephone to 217-785-0969 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 800-782-7860, outside normal working hours, and in writing within 3 days after learning of the incident. Written reports shall be mailed to the Office of the State Fire Marshal, Pyrotechnic Division, 1035 Stevenson Drive, Springfield IL 62703-4259.

- c) While all pyrotechnic materials must be stored in accordance with regulations adopted by BATFE and DNR, all equipment must remain in place and on site following personal injury, property damage in excess of \$500 or a fire until an investigation has been completed by OSFM.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 235.170 Report of Theft or Loss of Fireworks

- a) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report the theft or loss of fireworks to local law enforcement in accordance with 41 Ill. Adm. Code 230.190, DNR and BATFE.
- b) Consumer distributors and consumer retailers shall report the theft or loss of fireworks in excess of \$150 to local law enforcement immediately. Immediately~~Within 24 hours~~ after discovery of the theft or loss, consumer distributors and consumer retailers shall provide OSFM~~the Office~~ with written notice that includes a complete description of the fireworks, including manufacturer, brand name, any manufacturer marking and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify the local law enforcement agencies contacted and shall be executed under penalty of perjury.
- c) Consumer operators shall immediately report the theft or loss of fireworks in excess of \$150 to local law enforcement and to the local governmental authority that issued the operator a consumer display permit. Within three days after notification, the local governmental authority that issued the consumer display permit shall notify OSFM~~the Office~~ in writing of the theft or loss.
- d) Written notice shall be mailed to the Office of the State Fire Marshal, Pyrotechnic Division, 1035 Stevenson Drive, Springfield IL 62703-4259.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 141
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
141.301	New Section
141.303	New Section
141.327	New Section
141.367	Amendment
141.369	New Section
141.370	Amendment
141.371	New Section
- 4) Statutory Authority: Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Office Fire Investigation Act [20 ILCS 2910]
- 5) Effective Date of the Rulemaking: June 8, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this adopted rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 16007; November 20, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
 1. In Section 141.301, delete "The term synonymous with Basic Operations Firefighter identifies the expected level of supervision.".
 2. In Section 141.301(a), add "11) Required completion of the Courage To Be Safe course. Training documentation shall be kept in the fire department training files.".

OFFICE OF THE STATE FIRE MARSHAL

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3. In Section 141.301(f), delete "(Section 141.200.)".
 4. In Section 141.301(g), change "to maintain" to "for maintaining".
 5. In Section 141.303, delete "The term synonymous with Advanced Technician. The term identifies the expected level of supervision.".
 6. In Section 141.303(f), delete "(See Section 141.200.)".
 7. In Section 141.327, delete "and".
 8. In Section 141.327(a)(1), delete "course" and after "Principles" add "course".
 9. In Section 141.327(a)(5), change "g" to "i".
 10. In Section 141.327(c), add a period at the end.
 11. In Section 141.327(c), delete "1".
 12. In Section 141.367(a)(1), strike "Rescue Specialist/Confined Space/Trench Awareness or".
 13. In Section 141.367(a)(2), strike "Successful completion of Rope Operations course".
 14. In Section 141.367(a)(3), change "a" to "the Rope Operations course, which shall be a".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: This rulemaking provides for the inclusion of 5 new firefighter certifications, and the amendments allow the rules to comply with the professional standards adopted by reference in these rules.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Alec Messina, Interim General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/785-0969

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 141
POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

SUBPART A: GENERAL

Section	
141.10	Purpose
141.15	Definitions
141.20	Incorporations by Reference
141.30	Advisory Committees
141.40	Requirements for Participation in Training, Certification and Reimbursement
141.50	Appeal Process
141.60	Reciprocity

SUBPART B: TRAINING FACILITIES

Section	
141.100	Resources Required for Certification as a Provisionally Approved Training Facility
141.110	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
141.115	Course Approval
141.120	Course Approval Equivalency
141.125	Course Approval Standards

SUBPART C: EXAMINATION

Section	
141.200	State Examinations
141.210	Invalidation of a Student's State Examination Score
141.220	Certificates Earned by Bypass Examination
141.230	Examination Procedures for End-of-Course Examinations Not Administered by the Office
141.240	Bypass Examination

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SUBPART D: CERTIFICATION

Section

141.300	Firefighter II
<u>141.301</u>	<u>Basic Operations Firefighter</u>
141.302	Airport Firefighter
<u>141.303</u>	<u>Advanced Technician Firefighter</u>
141.304	Firefighter III
141.306	Fire Apparatus Engineer
141.308	Fire Officer I
141.310	Fire Service Executive Support
141.312	Fire Department Incident Safety Officer
141.314	Fire Officer II
141.316	Fire Officer III
141.318	Fire Service Instructor I
141.320	Fire Service Instructor II
141.322	Fire Service Instructor III
141.324	Training Program Manager
141.326	Fire Prevention Officer
<u>141.327</u>	<u>Fire Inspector I</u>
141.328	Juvenile Firesetter Intervention Specialist
141.330	Public Fire and Life Safety Educator II
141.332	Public Fire and Life Safety Educator III
141.334	Fire Investigator
141.336	Arson Investigator
141.338	Fire Inspector II and Plan Examiner I
141.340	Fire Inspector III and Plan Examiner II
141.342	Hazardous Materials Awareness
141.344	Hazardous Materials First Responder – Operations
141.346	Hazardous Materials Technician
141.348	Hazardous Materials Incident Command
141.350	Technical Rescue Awareness
141.352	Rescue Specialist – Confined Space
141.354	Trench Operations
141.356	Trench Technician
141.358	Rescue Specialist – Vertical II
141.360	Structural Collapse Operations
141.362	Structural Collapse Technician
141.364	Vehicle and Machinery Operations

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141.366	Vehicle and Machinery Technician
141.367	Rope Operations
141.368	Motorsports Safety Technician
<u>141.369</u>	<u>High Angle Rope Operations</u>
141.370	Fire Service Vehicle Operator
<u>141.371</u>	<u>Rope Technician</u>
141.372	Water Operations
141.373	Ice Technician
141.374	Swiftwater Technician
141.375	Watercraft Technician
141.376	Dive Technician
141.377	Ice Dive Technician
141.380	Invalidation of Certification

SUBPART E: REIMBURSEMENT

Section	
141.400	Rules and Regulations for Reimbursement
141.405	Prerequisites for Participation for Reimbursement
141.410	Requirements
141.415	Claim Forms
141.420	Claim Deadline
141.425	Amount of Reimbursement
141.450	Appropriations
141.460	Advanced Training Programs

SUBPART F: FEES

Section	
141.500	Fees
141.505	Waiver of Fees

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 31 Ill. Reg. 8672, effective June 5, 2007; amended at 33 Ill. Reg. 5780, effective April 2, 2009; amended at 34 Ill. Reg. 8297, effective June 8, 2010.

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Section 141.301 Basic Operations Firefighter

An Illinois Basic Operations Firefighter program meets or exceeds the level identified in NFPA 1001. Individuals may certify as Firefighter II for 5 years, at which time the certification will no longer be offered and the individuals will be required to successfully complete the additional course work if they desire to qualify for certification as a Basic Operations Firefighter.

a) Prerequisites

- 1) Successful completion of the Basic Operations Firefighter course.
- 2) Successful completion of a minimum of 180 instructional hours.
- 3) Passage of the State written examination (see Section 141.200).
- 4) Passage of the State practical skills examinations (see Section 141.200).
- 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- 6) Completion of the classroom portion for Vehicle Operator certification.
- 7) Certification requirements completed for Hazardous Materials First Responder – Operations.
- 8) Certification requirements completed for Technical Rescue Awareness.
- 9) Required CPR/Basic First Aid. Training documentation shall be kept in fire department training files.
- 10) Required NIMS 100 and 700. Training documentation shall be kept in fire department training files.
- 11) Required completion of the Courage To Be Safe course. Training documentation shall be kept in fire department training files.

b) Fire department or individual reimbursement may be available for training costs for Basic Operations Firefighter (see Subpart E).

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- c) [The Fire Service Instructor must meet the requirements of Section 141.115\(c\).](#)
- d) [The course and facility must be approved by OSFM as provided in Sections 141.110 and 141.115.](#)
- e) [Credit for equivalent courses may be available in accordance with Section 141.120.](#)
- f) [Modular Training](#)
[Basic Operations Firefighter training can be taken in a series of modules or as a complete course. The State written examination \(see Section 141.200\) can be taken by module or by taking the complete examination.](#)
- g) [As a duty function, members shall be responsible for maintaining proficiency in their skills and knowledge, and to avail themselves of the professional development provided to the members through training and education programs.](#)

(Source: Added at 34 Ill. Reg. 8297, effective June 8, 2010)

Section 141.303 Advanced Technician Firefighter

[An Illinois Advanced Technician Firefighter program shall meet or exceed the level identified in NFPA 1001. Individuals may certify as Firefighter III for 5 years, at which time the certification will no longer be offered and the individuals will be required to successfully complete the additional course work if they desire to qualify for certification as an Advanced Technical Firefighter.](#)

- a) [Prerequisites](#)
 - 1) [Certification as a Firefighter II or Basic Operations Firefighter \(see Sections 141.300 and 141.301\).](#)
 - 2) [Successful completion of the Advanced Technician Firefighter course.](#)
 - 3) [There shall be a minimum of 40 Instructional hours to safely and successfully complete the Advanced Technician Firefighter course \(see Section 141.303\).](#)

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- 4) Passage of the State written examination (see Section 141.200).
 - 5) Passage of the State practical skills examinations (see Sections 141.200).
 - 6) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 7) Attainment of 3 years fire service experience beginning from the Basic Operations Firefighter/Firefighter II certification date.
 - 8) Fire Service Vehicle Operator certification.
 - 9) Vehicle and Machinery Operations certification.
 - 10) Required NIMS 200. Training documentation shall be kept in fire department training files.
- b) Fire department or individual reimbursement may be received for training costs for Advanced Technician Firefighter (see Subpart E).
 - c) The Fire Service Instructor must meet the requirements of Section 141.115(c).
 - d) The course and facility must be approved by OSFM as provided in Sections 141.110 and 141.115.
 - e) Credit for equivalent courses may be available in accordance with Section 141.120.
 - f) Modular Training
Advanced Technician Firefighter training can be taken in a series of modules or as a complete course. The State written examination (see Section 141.200) can be taken by module or by taking the complete examination.
 - g) Refresher Training
The Advanced Technician Firefighter is considered by OSFM to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Advanced Technician personnel maintain their proficiency, they are

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encouraged to keep abreast of the state of the art by participating in refresher training reflecting applicable objectives.

(Source: Added at 34 Ill. Reg. 8297, effective June 8, 2010)

Section 141.327 Fire Inspector I

The Fire Inspector I certification is designed to give a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, and reporting inspection results of fire safety conditions, the basic knowledge and skills to safely perform his or her duties as defined by NFPA 1031.

- a) Prerequisites
 - 1) Successful completion of Fire Prevention Principles course.
 - 2) Attainment of a minimum of one year inspectional activity in fire prevention.
 - 3) Successful completion of a minimum of 40 instructional hours.
 - 4) Passage of the State written examination (see Section 141.200).
 - 5) Passage of the State practical skills examination (see Sections 141.200 and 141.300(i)).
- b) Fire department or individual reimbursement may be received for training costs for an Fire Inspector I (see Subpart E).
- c) Special Instructor Requirements. Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Fire Prevention Officer (see Section 141.326).
- d) The course and facility must be approved by OSFM as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

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(Source: Added at 34 Ill. Reg. 8297, effective June 8, 2010)

Section 141.367 Rope Operations

The Rope Operations certification is designed to give fire service personnel the basic knowledge and skills to safely perform rope rescues as defined by NFPA 1670.

a) Prerequisites

- 1) Certification in ~~Rescue Specialist/Confined Space/Trench Awareness or~~ Technical Rescue Awareness (see Section 141.350).
- 2) ~~Successful completion of the Rope Operations course.~~ Prerequisite for taking the Rope Operations course is successful completion of the ~~Rescue Specialist/Confined Space/Trench Awareness or~~ Technical Rescue Awareness course (see Section 141.350).
- 3) Successful completion of the Rope Operations course, which shall be a minimum of 40 instructional hours.
- 4) Passage of the State written examination (see Section 141.200).
- 5) Passage of the State practical skills examinations (see Sections 141.200 and 141.300~~(ig)~~).
- 6) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.

b) Fire Department or individual reimbursement may be received for training costs for Rope Operations (see Subpart E).

c) Special Instructor Requirements

- 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Rope Operations.

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- 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each ~~eight~~ students.
- 3) All other instructors on site shall be a minimum of a Fire Service Instructor ~~II~~ (see Section 141.318) and certified as Rope Operations.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

(Source: Amended at 34 Ill. Reg. 8297, effective June 8, 2010)

Section 141.369 High Angle Rope Operations

The High Angle Rope Operations certification is designed to give fire service personnel the basic knowledge and skills to safely perform rope rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Successful completion of the High Angle Rope Operations course. Prerequisite for taking the High Angle Rope Operations course is successful completion of the Rope Operations course (see Section 141.367).
 - 2) Successful completion of a minimum of 40 instructional hours.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(i)).
 - 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.

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- b) [Fire department or individual reimbursement may be received for training costs for High Angle Rope Operations \(see Subpart E\).](#)
- c) [Special Instructor Requirements](#)
 - 1) [Instructor of Record shall be certified as a Fire Service Instructor II \(see Section 141.320\) and High Angle Rope Operations or Rescue Specialist-Vertical II \(see Section 141.358\).](#)
 - 2) [There shall be a minimum of 2 instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each 6 students.](#)
 - 3) [All other instructors on site shall be a minimum of a Fire Service Instructor I \(see Section 141.318\) and certified as High Angle Rope Operations or Rescue Specialist-Vertical II \(see Section 141.358\).](#)
- d) [The course and facility must be approved by OSFM as provided in Sections 141.110 and 141.115.](#)
- e) [Credit for equivalent courses may be available in accordance with Section 141.120.](#)

(Source: Added at 34 Ill. Reg. 8297, effective June 8, 2010)

Section 141.370 Fire Service Vehicle Operator

Fire Service Vehicle Operator is designed to give fire service personnel the basic knowledge and skills to safely perform fire service vehicle operations as defined by NFPA 1451.

- a) Prerequisites
 - 1) Certification as Firefighter II (see Section 141.300) for full certification. If individual is not certified as a Firefighter II, a provisional certification will be awarded until Firefighter II certification is achieved.
 - 2) Successful completion of Fire Service Vehicle Operator course.
 - 3) [Successful completion of a minimum of 12 instructional hours.](#)

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- ~~43~~) Passage of the State written examination (see Sections 141.200).
- ~~54~~) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(~~ig~~)).
- ~~65~~) Completion of an additional 8 hours of documented driving of the vehicles in use by the employing authority having jurisdiction.
- ~~76~~) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) [Fire department or individual reimbursement](#) may be received for training costs for Fire Service Vehicle Operator (see Subpart E).
- c) [Special Instructor Requirements](#)

 - 1) [Instructor of Record shall be certified as a Fire Service Instructor I \(see Section 141.318\) and Fire Service Vehicle Operator.](#)
 - 2) [There shall be a minimum of 2 instructors per course, one of whom is an Instructor of Record.](#)
 - 3) [All other instructors on site shall be a minimum of a Fire Service Vehicle Operator. An instructor of a Fire Service Vehicle course must meet the requirements of Section 141.115\(e\).](#)
- d) The course and facility must be approved by [OSFM](#) as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

(Source: Amended at 34 Ill. Reg. 8297, effective June 8, 2010)

[Section 141.371 Rope Technician](#)

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The Rope Technician certification is designed to give fire service personnel the basic knowledge and skills to safely perform rope rescues as defined by NFPA 1670 and 1006.

- a) Prerequisites
 - 1) Successful completion of the Rope Technician course. Prerequisite for taking the Rope Technician course is successful completion of the High Angle Rope Operations course (see Section 141.369) or Rescue Specialist-Vertical II (see Section 141.358).
 - 2) Successful completion of a minimum of 40 instructional hours.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(i)).
 - 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Fire department or individual reimbursement may be received for training costs for Rope Technician (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Rope Technician.
 - 2) There shall be a minimum of 2 instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each 6 students.
 - 3) All other instructors on site shall be a minimum of a Fire Service Instructor I (see Section 141.318) and certified as a Rope Technician.
- d) The course and facility must be approved by OSFM as provided in Sections 141.110 and 141.115.

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- e) [Credit for equivalent courses may be available in accordance with Section 141.120.](#)

(Source: Added at 34 Ill. Reg. 8297, effective June 8, 2010)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1540.370	New
1540.APPENDIX A	New
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Amendments: June 10, 2010
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies are available upon request from the Division of Field Services.
- 9) Notice of Proposal Published in the Illinois Register: February 16, 2010; 34 Ill. Reg. 2429
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There are minor word and/or grammar changes throughout at JCAR's suggestion.
- 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 rulemakings currently in effect? No
- 14) Are there rulemakings pending on this Part? No
- 15) Information and questions regarding these adopted amendments shall be directed to:

Tim Blair

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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Acting Executive Secretary
2101 South Veterans Parkway
P. O. Box 19255
Springfield, IL 62794-9276

217/785-7016
Fax: 217-557-3943

- 16) Will this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1540.270 Written Appeals and Hearings
1540.280 Availability for Public Inspection (Recodified)
1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300 Organization of the State Employees' Retirement System (Recodified)
1540.310 Amendments
1540.320 Optional Forms of Benefits – Basis of Computation
1540.330 Board Elections
1540.340 Excess Benefit Arrangement
1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360 Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
[1540.370 Americans With Disabilities Act](#)
[1540.APPENDIX A Grievance Form](#)
1540.TABLE A Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective

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December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010.

Section 1540.370 Americans With Disabilities Acta) Purpose

- 1) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (ADA) (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35.107), requiring the adoption of a procedure to resolve grievances asserted by qualified individuals with disabilities. Interested parties may contact the ADA Coordinator to review the ADA or its regulations to understand the rights, privileges and remedies afforded by them.
- 2) In general, the ADA requires that each program, service and activity offered by the State Employees' Retirement System (System), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- 3) It is the intention of the System to foster open communication with all individuals requesting readily accessible programs, services and activities. The System encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

b) Definitions

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Executive Secretary of the System to coordinate the System's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation and prompt equitable resolution of grievances filed by complainants. The ADA Coordinator may be contacted at State Employees' Retirement System, ADA Coordinator, 2101 S. Veterans Parkway, Springfield IL 62704. (See 28 CFR 35.107.)

"Complainant" means a qualified individual with a disability who files a Grievance Form provided by the System.

"Disability" shall have the same meaning as set forth in the ADA.

"Executive Secretary" means the Executive Secretary of the System or a duly authorized designee.

"Grievance" means any written complaint under the ADA by an individual with a disability who meets the eligibility requirements for participation in, or receipt of, the benefits of a program, activity or service offered by the System and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the System, or who has been subject to discrimination by the System.

"Grievance Form" means the form prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, telephone number, and nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Major Life Activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.

"Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the System.

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"Reasonable Modification" means modifications or adjustments to services, programs or activities that enable a qualified individual with a disability to participate in, or enjoy the benefits of the service, program or activity.

"System" means the State Employees' Retirement System of Illinois.

c) Procedures

- 1) The ADA Coordinator will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Part. A person who wishes to avail himself or herself of the formal procedure, however, may do so only by filing a grievance within 180 calendar days after the alleged discrimination in the form and manner prescribed in this Section.
- 2) The ADA Coordinator shall provide a copy of the grievance procedure and the required complaint form to anyone who requests it or expresses a desire to file a formal grievance.
- 3) Grievances must be submitted in accordance with procedures established in this Section. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the reviews described in subsections (d) and (e).
- 4) A complainant's failure to submit a Grievance Form, or to submit or appeal it to the next level of review within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the System's last response as given in the grievance procedure.
- 5) A complainant must exhaust the remedies provided under this Part as a prerequisite for filing any action before a court or other administrative body.
- 6) The System shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

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d) ADA Coordinator Review

- 1) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the date of the alleged discrimination, submit a grievance to the ADA Coordinator on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Coordinator.
- 2) Upon request, the System shall assist an individual in completing the Grievance Form.
- 3) The grievance shall contain the following information:
 - A) The complainant's name, address and telephone number.
 - B) Information as to the best time and means for contacting the complainant.
 - C) The program, activity or service that was denied the complainant, or in which alleged discrimination occurred.
 - D) The date and nature of the denial or alleged discrimination.
 - E) An explanation of why the complainant believes he or she is a qualified individual with a disability.
 - F) The signature or execution of or on behalf of the complainant.
- 4) The complainant shall attach copies of any documents received from or submitted to the System that pertain to the program, activity or service referred to in the grievance.
- 5) The ADA Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the complainant and Executive Secretary within 15 business days after receipt of the Grievance Form.

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e) Final Review

- 1) If the grievance is not resolved pursuant to this Section to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ADA coordinator's response to the Executive Secretary for final review. The complainant shall submit these documents to the Executive Secretary, together with a short written statement explaining the reasons for dissatisfaction with the ADA Coordinator's written response, within 10 business days after service of the ADA Coordinator's response. Service is deemed complete five business days after mailing.
- 2) Within 15 business days after receipt of the complainant's request to the Executive Secretary for final review, the Executive Secretary shall appoint a three-member panel to evaluate the grievance. The Executive Secretary shall designate one panel member as chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last panel member is appointed.
- 3) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the complainant's Grievance Form and the ADA Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- 4) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make written recommendations to the Executive Secretary regarding the proper resolution of the grievance. All recommendations shall include reasons for the recommendation and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Secretary in writing and shall sign his or her recommendation.
- 5) Within 15 business days after receipt of the panel's recommendations, the Executive Secretary shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Executive Secretary's decision shall be final. If the Executive Secretary disapproves or modifies

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the panel's recommendations, the Executive Secretary shall include written reasons for [the](#) disapproval or modification.

6) The Grievance Form, the ADA Coordinator's response, the complainant's statement of the reasons for dissatisfaction, the panel's recommendations, and the Executive Secretary's decision shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

f) Accessibility

The System shall ensure that all stages of the grievance procedure are readily accessible and usable by individuals with disabilities.

g) Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the System. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainants should rely.

(Source: Added at 34 Ill. Reg. 8313, effective June 10, 2010)

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Section 1540.APPENDIX A Grievance Form

Grievance
Discrimination Based on Disability

It is the policy of the State Employees' Retirement System to provide assistance in filling out this form. If assistance is needed, please ask:

State Employees' Retirement System, ADA Coordinator
2101 S. Veterans Parkway, P. O. Box 19255
Springfield IL 62704
217-785-7444, 217-785-7218 (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

Program, Service or Activity to which Access was Denied or in which Alleged Discrimination

Occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary, and copies of any documents received or submitted to the System that pertain to the program, activity or service referred to in this grievance. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature

Date

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| Please give to the ADA Coordinator at the address listed above.

(Source: Added at 34 Ill. Reg. 8313, effective June 10, 2010)

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- 1) Heading of the Part: Procedures For Issuing Loans From the Water Pollution Control Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
365.110	Amendment
365.120	Amendment
365.130	Amendment
365.140	Amendment
365.220	Amendment
365.230	Amendment
365.240	Amendment
365.250	New Section
365.260	New Section
365.340	Amendment
365.410	Amendment
365.420	Amendment
365.430	Amendment
365.440	Amendment
365.450	Amendment
365.470	New Section
365.520	Amendment
365.530	Amendment
365.610	Amendment
365.620	Amendment
365.630	Amendment
365.820	Amendment
365.910	Amendment
365.920	Amendment
365.930	Amendment
365.940	Amendment
365.1010	Amendment
365.1020	Amendment
365.APPENDIX B EXHIBIT A	New Section
365.APPENDIX B EXHIBIT B	New Section
365.APPENDIX B EXHIBIT C	New Section

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- 4) Statutory Authority: Implementing and authorized by Section 19.1-19.9 of the Environmental Protection Act [415 ILCS 5/19.1-19.9]
- 5) Effective Date of Rulemaking: June 10, 2010
- 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: This emergency rulemaking is not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: June 10, 2010
- 8) A copy of the emergency rulemaking, 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 Agency needs to file these emergency rules to allow the Agency to administer the WPCLP in conjunction with the Capitalization Grant Agreement with USEPA, which now requires the Agency to provide principal forgiveness and to address green infrastructure projects. If the Agency fails to implement the new requirements of the Capitalization Grant Agreement with USEPA, Illinois would lose its funding from USEPA, to administer this program. Identical proposed amendments will also be submitted for publication in the Illinois Register by the Agency.
- 10) A Complete Description of the Subjects and Issues Involved: These rules establish changes to procedures the Agency will use to administer the WPCLP in conjunction with the new requirements found in the Capitalization Grant Agreement between the Agency and US EPA. The emergency rulemaking will allow the Agency to lower the existing WPCLP interest rate, provide principal forgiveness, provide a more streamlined loan application process and address green infrastructure projects.
- 11) Are there any proposed rulemakings to this Part pending? Yes
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding these amendments shall be directed to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency

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Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 365
PROCEDURES FOR ISSUING LOANS FROM THE WATER
POLLUTION CONTROL LOAN PROGRAM

SUBPART A: INTRODUCTION

Section

365.110	Purpose
<u>EMERGENCY</u>	
365.120	Administration
<u>EMERGENCY</u>	
365.130	Definitions
<u>EMERGENCY</u>	
365.140	Incorporations by Reference
<u>EMERGENCY</u>	

SUBPART B: FEDERAL REQUIREMENTS FOR THE
WATER POLLUTION CONTROL LOAN PROGRAM

Section

365.210	Involvement of USEPA in the Operation of the Fund (Repealed)
365.220	Uses of the Water Pollution Control Loan Program
<u>EMERGENCY</u>	
365.230	Agency Responsibilities under Title VI of the CWA
<u>EMERGENCY</u>	
365.240	Requirements for Loan Recipients under Title VI of the CWA
<u>EMERGENCY</u>	
365.250	<u>Green Project Reserve</u>
<u>EMERGENCY</u>	
365.260	<u>Principal Forgiveness</u>
<u>EMERGENCY</u>	

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH LOAN PROCEDURES

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Section

- 365.310 Noncompliance with Loan Procedures
- 365.320 Stop-Work Order
- 365.330 Termination
- 365.340 Waiver of Procedures

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SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section

- 365.410 Project Priority Determination

EMERGENCY

- 365.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded

EMERGENCY

- 365.430 Financial Assistance Application and Approval

EMERGENCY

- 365.440 Fixed Loan Rate

EMERGENCY

- 365.450 Refinancing

EMERGENCY

- 365.460 Limitation on Design Cost

- 365.470 Limitation on Loan Assistance

EMERGENCY

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section

- 365.510 Sewer System Evaluation and Rehabilitation (Repealed)
- 365.520 Loan Applicant's Responsibilities During Facilities Planning

EMERGENCY

- 365.530 State Environmental Review

EMERGENCY

- 365.540 Limitations on Awards for Individual Systems
- 365.550 Value Engineering Requirements (Repealed)
- 365.560 Areawide Waste Treatment Management Planning

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

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Section

365.610 Requirements for Subagreements

EMERGENCY

365.620 Construction Contracts

EMERGENCY

365.630 Contracts for Personal and Professional Services

EMERGENCY

365.640 Compliance with Procurement Requirements for Construction Contracts

365.650 Disputes

365.660 Indemnity

365.670 Covenant Against Contingent Fees

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION,
CHANGES, COMPLETION AND OPERATION OF PROJECT

Section

365.710 Construction Initiation

365.720 Project Changes

365.730 Construction Engineering

365.740 Operation and Maintenance of the Project

365.750 Final Inspection

365.760 Project Performance Certification (Repealed)

365.770 Project Performance Certification (Renumbered)

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section

365.810 Access

365.820 Audit and Records

EMERGENCY

365.830 Single Audit Act

SUBPART I: FINANCIAL AND MANAGERIAL CAPABILITY

Section

365.910 Sewer Use Ordinance

EMERGENCY

365.920 User Charges

EMERGENCY

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- 365.930 Financial Capability
EMERGENCY
 365.940 Dedicated Source of Revenue
EMERGENCY
 365.950 Floodplain Insurance

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

Section

- 365.1010 Determination of Allowable Costs
EMERGENCY
 365.1020 Use of Loan Funds and Payment of Unallowable Costs
EMERGENCY
 365.1030 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT
AND DELINQUENT REPAYMENT

Section

- 365.1110 Loan Repayment to the Agency
 365.1120 Delinquent Loan Repayments

365.APPENDIX A Executive Orders

- 365.EXHIBIT A Executive Order 11625 (Repealed)
 365.EXHIBIT B Executive Order 12138 (Repealed)
 365.EXHIBIT C Executive Order 12549
 365.EXHIBIT D Executive Order 11246

365.APPENDIX B Loan Application Documents

- 365.EXHIBIT A Loan Application Form
EMERGENCY
365.EXHIBIT B Program Financial Requirements
EMERGENCY
365.EXHIBIT C Bid Certifications Form
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

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SOURCE: Adopted at 13 Ill. Reg. 7351, effective May 1, 1989; amended at 16 Ill. Reg. 15073, effective September 21, 1992; recodified at 19 Ill. Reg. 11450, effective August 11, 1995; amended at 20 Ill. Reg. 788, effective January 1, 1996; amended at 30 Ill. Reg. 15590, effective September 18, 2006; emergency amendment at 33 Ill. Reg. 8546, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15450, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days.

SUBPART A: INTRODUCTION

Section 365.110 Purpose**EMERGENCY**

- a) The Water Quality Act of 1987 (the 1987 Amendments) which amended the federal Water Pollution Control Act (33 USC 1251 et seq.) sets forth a schedule and mechanism for the transition from the federal level to the State and local level for responsibility of funding wastewater treatment facilities. Title VI of the 1987 Amendments creates a new authority that authorizes the United States Environmental Protection Agency (USEPA) to make grants to states to capitalize State water pollution control revolving funds. Title VI also establishes specific requirements for states for the development and operation of the State loan programs, some of which must be assumed by the loan recipient~~local government unit as the recipient of a loan.~~
- b) This Part 365 sets forth procedures to be used by the Illinois Environmental Protection Agency to operate the Water Pollution Control Loan Program (WPCLP), including the issuance of loans for the construction of wastewater treatment works as authorized by P.A. 85-1135, effective September 1, 1988 and amended by P.A. 90-121, effective July 17, 1997 and the use of additional subsidization terms, including forgiveness of principal, negative interest rates, and grants to eligible applicants for the construction of wastewater facilities and other facilities that meet the federal green project reserve requirement.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.120 Administration**EMERGENCY**

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- a) The WPCLP, an interest-bearing special fund, will be administered by the Agency as an instrumentality of the State of Illinois in accordance with the Operating and Capitalization Grant Agreements between the Agency and the USEPA in accordance with State and federal laws.
- b) Copies of forms that are required and sample language that can be used to satisfy the requirements of a WPCLP loan application can be obtained from the Illinois Environmental Protection Agency, Infrastructure Financial Assistance Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276 and is also available at the Agency's website at <http://www.epa.state.il.us/water/forms.html#financial-assistance>.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.130 Definitions**EMERGENCY**

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle C) and the Clean Water Act (CWA), as amended (33 USC 1251 et seq.).
- b) For the purposes of this Part 365, the following definitions apply:

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – Illinois Environmental Protection Agency.

~~ARRA – American Recovery and Reinvestment Act of 2009 (Public Law 111-5).~~

Binding Commitment – A legal obligation between the Agency and the loan recipient~~a local government unit~~ to provide financial assistance from the WPCLP to the loan recipient~~that local government unit~~, specifying the terms and schedules under which assistance is provided. The loan

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agreement will be considered a binding commitment.

Building Cost – The cost of erection of construction contract line items. Building costs do not include preliminary planning, engineering, architectural, legal, fiscal, administrative or contingency costs.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the WPCLP as a result of the capitalization grant agreement with USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the WPCLP and enable the Agency to provide assistance for WPCLP project~~construction of wastewater treatment works~~.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Project – A project which consists of construction, expansion, or upgrading of a wastewater treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA respectively.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the project~~wastewater treatment works~~, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of wastewater treatment works, or the inspection or supervision of any of the foregoing items.

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

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Cost-Effectiveness Analysis – An analysis of the feasible alternatives wastewater treatment works, processes and techniques capable of meeting the applicable effluent, water quality and public health requirements over the design life of the facility while recognizing environmental and other non-monetary considerations.

CWA – Clean Water Act, as amended (33 USC 1251 et seq.).

Dedicated Source of Revenue – The type of security and the basis of legal authorization which are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment to the WPCLP, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to facilities plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or product clean energy used by a treatment works.

Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Fixed Loan Rate – The fixed loan rate shall be 1.25% for loans issued from funds provided under the WPCLP in federal fiscal years 2010 and

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2011, extending through and including September 30, 2011. Thereafter, the fixed loan rate shall be determined on an annual basis by the procedures as defined in Section 365.440 (Fixed Loan Rate) of this Part. One-half the market interest rate but not less than 2.50%.

Fund – The Water Revolving Fund as authorized by [415 ILCS 5/19.3], consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains, wetlands, coupled with policies such as infill and redevelopment that reduces overall imperviousness in a watershed. On a local scale, green infrastructure consist of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns.

Green Project Reserve – The particular portion of a Capitalization Grant Agreement that is required to be set-aside or reserved, and that shall be used by the State for projects that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow – Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment

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period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

Interest Rate – Not less than one-~~half~~^{fourth} of the Fixed Loan Rate~~market interest~~ rounded to the nearest .01%.

Loan Agreement – The contractual agreement between the Agency and the local government unit that contains the terms and conditions governing the loan issued from the WPCLP.

Loan Applicant – The local government unit that has applied for a loan from the WPCLP for construction of wastewater treatment works.

Loan Commitment Letter – The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures – The procedures for issuing loans from the WPCLP as set out in this Part 365.

Loan Recipient – A local government unit that has been provided a loan for construction of a wastewater treatment works from the WPCLP and that will own and be responsible for the operation and maintenance of the wastewater facilities.

Loan Support Rate – Not more than one-~~half~~^{fourth} of the Fixed Loan Rate~~market interest rate~~ rounded to the nearest .01%.

Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose

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primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both [415 ILCS 5/19.2(g)].

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from ~~October~~July 1 to ~~September~~June 30 of the preceding ~~federal~~State fiscal year rounded to the nearest .01%.

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the WPCLP.

Principal – All disbursements, including interest and loan support accrued on the disbursements, that will be financed at the time the repayment schedule period begins.

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 366 (Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works) that the Agency has determined are eligible to receive financial assistance from the WPCLP.

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

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Source of Revenue – The revenues of the system, including accounts receivable and the proceeds that are sufficient to repay the principal and interest on the loan.

Subagreement – A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services and purchase orders.

Title VI – Title VI of the federal Clean Water Act (33 USC 1251 et seq.).

Treatment Works – Any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities. [415 ILCS 5/19.2(f)].

Useful Life – The estimated period during which a wastewater treatment works is intended to be operable.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

WPCLP – Water Pollution Control Loan Program as authorized by Section 19.2 of the Environmental Protection Act [415 ILCS 5/19.2].

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

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Section 365.140 Incorporations by Reference**EMERGENCY**

- a) The following publications are incorporated by reference:
- ~~1)~~ ~~American Institute of Certified Public Accountants Professional Standards (1996), 666 Fifth Avenue, New York, New York 10019.~~
 - 12) Operation of Wastewater Treatment Plants (1980), 2nd edition (three volumes) (California State University, Sacramento).
 - 23) Operation and Maintenance of Wastewater Collection Systems (1983), 1st edition (California State University, Sacramento).
- b) This Part 365 incorporates no later amendments or editions.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART B: FEDERAL REQUIREMENTS FOR THE
WATER POLLUTION CONTROL LOAN PROGRAM**Section 365.220 Uses of the Water Pollution Control Loan Program****EMERGENCY**

The Water Pollution Control Loan Program shall be used and administered by the Agency to provide assistance for the following purposes:

- a) *To accept and retain funds from grant awards, appropriations, transfers and payments of interest and principal;*
- b) *To make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit to finance the construction of wastewater treatment works and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;*
- c) *With respect to funds provided under the American Recovery and Reinvestment Act of 2009, to make direct loans at or below market interest rates to any eligible*

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local government unit and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants;

- d) *With respect to funds under the American Recovery and Reinvestment Act of 2009, to make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment works incurred on or after October 1, 2008;*
- e) *With respect to funds under the American Recovery and Reinvestment Act of 2009, to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants for treatment works incurred on or after October 1, 2008;*
- f) *To make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit to buy or refinance debt obligations for ~~costs~~treatment works incurred after March 7, 1985 for the construction of wastewater treatment works, and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;*
- g) *To make direct loans at or below market interest rates for the implementation of a management program established under Section 319 of the Federal Water Pollution Control Act, as amended;*
- h) *To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;*
- i) *As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Fund;*
- j) *To finance the reasonable costs incurred by the Agency in the administration of the Fund; and*
- k) *To transfer funds to the Public Water Supply Loan Program. [415 ILCS 5/19.3(b)]*

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.230 Agency Responsibilities under Title VI of the CWA**EMERGENCY**

- a) The WPCLP shall be established in accordance with the requirements of Title VI prior to the receipt of the capitalization grant for deposit into the WPCLP.
- b) The Agency will prepare an Intended Use Plan and negotiate an Operating Agreement with the USEPA which will be the basis for the Capitalization Grant Agreement. These documents establish the procedures, activities, and assurances for operation of the WPCLP including, but not limited to, the following:
 - 1) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA;
 - 2) In satisfaction of the requirements of the Capitalization Grant Agreement, A 20% State match will be deposited into the WPCLP according to an agreed upon schedule;
 - 3) A listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;
 - 4) Binding commitments for ~~120 percent of~~ each quarterly federal grant payment ~~shall~~must be made by the Agency within one year after the receipt of each payment in satisfaction of the requirements of the Capitalization Grant Agreement;
 - 5) Funds as a result of the Capitalization Grants must first be used to assure maintenance of progress toward compliance with the enforceable deadlines, goals and requirements of the CWA and Capitalization Grant Agreement;
 - 6) Loan award and disbursement procedures to document the loan recipient's compliance with Title VI requirements;
 - 7) The loan repayment period cannot exceed 20 years beyond the earlier of the initiation of operation date or the initiation of the loan repayment

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period;

- 8) All repayments of loan principal and interest shall be deposited into the WPCLP;
- 9) Annual reporting to the USEPA on the Agency's progress toward meeting its goals and objectives; and
- 10) An annual audit of the WPCLP in accordance with the auditing procedures of the General Accounting Office (75 USC 31).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.240 Requirements for Loan Recipients under Title VI of the CWA**EMERGENCY**

- a) Only local government units will be eligible for loans for wastewater treatment works projects or facilities that meet the requirements of the federal Green Project Reserve.
- b) Loan projects must be on the Project Priority List.
- c) Loan projects must be consistent with any plans developed under sections 205(j), 208, 303(e), and 319 of the CWA.
- d) A dedicated source of revenue, sufficient to pay principal and interest when due, must be enacted and pledged by the loan recipient for repayment of the loan.
- e) Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.
- f) Loan projects must meet the applicable requirements of any other federal laws and authorities.
- g) Loans will be made at or below market interest rates.
- h) Loan accounts related to the project construction and the dedicated source of revenue will be maintained by the loan recipient in accordance with Generally

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~~Accepted Accounting Principles consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards.~~

- i) Loans will be fully amortized not later than 20 years after the earlier of the initiation of operation date or the initiation of the loan repayment period.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.250 Green Project Reserve
EMERGENCY

To the extent there are sufficient eligible project applications, amounts as required by the terms of the Capitalization Grant Agreement, shall be for projects to address green infrastructure, water and energy efficiency improvements and environmentally innovative activities.

AGENCY NOTE: Loan applicants and other interested parties may obtain additional information on current Green Project Reserve amounts and guidance by accessing the Agency's website at: <http://www.epa.state.il.us/water/financial-assistance/> or by telephone at 217/782-2027.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.260 Principal Forgiveness
EMERGENCY

All financial assistance from the WPCLP shall be in the form of low interest loans, with principal forgiveness terms used and applied as necessary to meet specific requirements of the federal Capitalization Grant Agreement. The availability, amounts, limitations and method of distribution for any principal forgiveness of the loan amount shall be determined by the Director of the Agency based upon USEPA requirements and the terms of the Capitalization Grant Agreement, economic conditions, status of the Fund and other relevant criteria.

AGENCY NOTE: Loan applicants and other interested parties may obtain additional information on current principal forgiveness terms by accessing the Agency's website at: <http://www.epa.state.il.us/water/financial-assistance/> or by telephone at 217/782-2027.

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(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO
COMPLY WITH LOAN PROCEDURES**Section 365.340 Waiver of Procedures****EMERGENCY**

- a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the WPCLP. The waiver may be subject to such additional conditions the Director deems necessary.
- b) The following procedures will not be waived:
 - 1) Section 365.410 (Project Priority Determination) of this Part
 - 2) Section 365.440 (Fixed Loan Rate) of this Part
 - 3) Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Part
 - 4) Section 365.530 (State Environmental Review) of this Part
 - 5) Section 365.540 (Limitations on Awards for Individual Systems) of this Part
 - 6) Section 365.560 (Areawide Waste Treatment Management Planning) of this Part
 - 7) Section 365.620(d)(3) (Wage Provisions) of this Part
 - 8) Section 365.620(d)(4) (Disadvantaged Business Enterprise Requirements) of this Part

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- 9) Section 365.620(d)(5) (Debarment and Suspension Certification) of this Part
 - 10) Section 365.630(a)(1) (Disadvantaged Business Enterprise Requirements) of this Part
 - 11) Section 365.630(a)(4) (Debarment and Suspension Certification) of this Part
 - 12) Section 365.750 (Operation and Maintenance of the Project) of this Part
 - 13) Section 365.910 (Sewer Use Ordinance) of this Part
 - 14) Section 365.920 (User Charges) of this Part
 - 15) Section 365.940 (Dedicated Source of Revenue) of this Part
- c) Notwithstanding subsection (b)(14), Section 365.920(b)(1) of this Part can be waived for loans issued between October 1, 1994 and October 1, 2006.
- d) Notwithstanding subsections (b)(6), (b)(12), (b)(13) and (b)(14), Sections 365.560, 365.750, 365.910 and 365.920 of this Part can be waived for projects that fulfill federal State Revolving Fund grant requirements for the green project reserve.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section 365.410 Project Priority Determination**EMERGENCY**

- a) Financial assistance from the WPCLP will be provided ~~only to local government units~~ for projects on the Project Priority List developed by the Agency pursuant to 35 Ill. Adm. Code 366.
- b) The Project Priority List sets out the priority for receipt of loans for each loan applicant. Priorities will be established in accordance with 35 Ill. Adm. Code 366

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after the receipt by the Agency of both loan pre-applications pursuant to Section 365.420 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded) of this Part and approved Facilities Planning pursuant to Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) and Section 365.530 (State Environmental Review) of this Part. For projects represented by loan pre-applications only, the Agency will provide limited priority scoring for inclusion of the project on the Project Priority List.

- c) Projects included on the Intended Use Plan will be selected from projects on the Project Priority List in priority order, provided the project has an approved facilities plan and is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.
- d) Cash Flow Demand Funding
- ~~1) The available funds for a project may be decreased by the Agency to reflect the amount of funds needed to meet cash flow demands for that project during the current funding cycle or to accommodate the funding constraints of the WPCLP. Projects that receive adjustments to meet cash flow demands or to accommodate the funding constraints of the WPCLP may be afforded an opportunity for additional funding in future funding cycles as funds become available under the terms and interest rate available in that funding cycle. provided:~~
- ~~A) The project has been classified as service continuation or service expansion in accordance with 35 Ill. Adm. Code 366;~~
 - ~~B) The primary purpose of the project is for wastewater treatment facilities;~~
 - ~~C) The construction schedule exceeds one year; and~~
 - ~~D) The project is on the current fiscal year's Intended Use Plan for at least 50% of the project cost.~~
- ~~2) Any project that receives an adjustment to meet cash flow demands will have first opportunity for full funding in the subsequent fiscal year or years at the same interest rate.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

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Section 365.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded**EMERGENCY**

- a) Every loan applicant shall submit to the Agency a signed and dated pre-application that includes at a minimum the following items:
 - 1) Legal name of applicant;
 - 2) Address;
 - 3) Authorized representative – name and title;
 - 4) Project classification (35 Ill. Adm. Code 366);
 - 5) Project description;
 - 6) Discharge location point;
 - 7) Cost estimate; and
 - 8) Project schedule.
- b) Loan applicants seeking financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually by the preceding March 31 to qualify for possible inclusion in the Intended Use Plan.
- c) A project with approved facility planning may be added to the Project Priority List at any time by the submission of a pre-application.
- d) The Agency shall publish a list of the projects which are proposed for funding ~~during the next federal fiscal year~~. These projects will be included in the Intended Use Plan.
- e) After January 1 of each year, the Agency may bypass projects on the Intended Use Plan that cannot meet the schedule to initiate construction by March 31 of that year. The Agency will evaluate projects in priority order and may offer loan commitments to other projects on the Project Priority List in accordance with

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Section 365.430 (Financial Assistance Application and Approval) of this Subpart.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.430 Financial Assistance Application and Approval
EMERGENCY

- a) In order to issue a loan commitment letter, the Agency must have received the following documents:
 - 1) A completed Loan Application Form for financial assistance (Appendix B, Exhibit A), which will necessarily include the following certifications and authorizations with regard to the proposed project:
 - A) Loan Program Certifications;
 - B) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
 - C) Certification of Intent Regarding National Flood Insurance;
 - D) Certification Regarding Project Site, Rights-of-Way, Easements and Permits; and
 - E) Authorization of a Representative to Sign Loan Documents.
 - 2) An approved facilities plan in accordance with Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Part;
 - 3) A completed Financial Information Checklist (Appendix B, Exhibit B), which will necessarily address the following requirements:
 - A) An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency;
 - B) Proof of publication of the ordinance and any notice required by State statute, where applicable;

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- C) Where applicable, an approved sewer use ordinance and user charge system in accordance with Sections 365.910 (Sewer Use Ordinance) and 365.920 (User Charges) of this Part;
- D) Documentation to support the loan applicant's ability to repay the loan in accordance with Sections 365.930 (Financial Capability) and 365.940 (Dedicated Source of Revenue) of this Part;
- E) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances; and
- F) A Tax Exemption Certificate and Agreement.

AGENCY NOTE: Guidance for loan applicants on the satisfaction of financial requirements detailed in subsection (a)(3)(A) through (F) is provided in Appendix B, Exhibit B.

- 4) Design documents, including plans and specifications, with a construction permit or "authorization to construct" from the Agency, pursuant to the provisions of 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable;
- 5) A project completion schedule;
- 6) Where necessary, an executed inter-governmental agreement necessary for project implementation;
- 7) An executed contract for design and construction related work in accordance with Section 365.630 (Contracts for Personal and Professional Services) of this Part if financing is being requested for these specific costs;
- 8) An EPA Form 4700-4, Compliance Report; and
- 9) Any other executed legal agreements necessary for project implementation.

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b) In addition to the items identified in subsection (a), the Agency must have received a completed Bid Certifications Form (Appendix B, Exhibit C) and all other relevant attachments before it will issue the Loan Agreement. Key elements of the bid package that are required by the Bid Certifications Form (Appendix B, Exhibit C) include the following items:

- 1) A certified copy of the published bid advertisement or advertisements;
- 2) The bid tabulations and selected bidder's proposal along with a summary of any addenda issued by the loan applicant, if applicable;
- 3) An analysis of the bids and recommendations for the award of the bids;
- 4) The notice of the applicant's intent to award;
- 5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33 and;
- 6) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents as required by State and federal law.

AGENCY NOTE: Guidance for loan applicants on the satisfaction of disadvantaged business enterprise requirements detailed in subsection (b)(5) can be found on the Agency's website at:
<http://www.epa.state.il.us/water/forms.html#financial-assistance>.

a) In order to issue a loan commitment letter that reserves loan funds to a loan applicant for a maximum period of 90 days, the Agency must have received the following documents:

- 1) A completed loan application form for financial assistance providing, at a minimum, the following items:
 - A) Legal name of applicant;
 - B) Address;

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- ~~C) Authorized representative — name and title;~~
 - ~~D) Cost estimate;~~
 - ~~E) Amount requested for loan; and~~
 - ~~F) Verification and signature;~~
- 2) ~~An approved facilities plan in accordance with Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Part;~~
- 3) ~~A Loan Program Certifications form that includes, at a minimum, the following:~~
- ~~A) The loan applicant must agree to pay all project costs not covered by the loan;~~
 - ~~B) The loan applicant must certify that it has analyzed the costs and the financial impacts of the proposed project and that it has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the treatment works project;~~
 - ~~C) The loan applicant must certify that no unlawful or corrupt practice has taken place in the planning or design of the proposed project;~~
 - ~~D) The loan applicant must certify that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project;~~
 - ~~E) The loan applicant must certify that it is not barred from being awarded a contract or subcontract under the Illinois Procurement Code [30 ILCS 500]; and~~
 - ~~F) The loan applicant must provide its correct Federal Employer Identification Number and certify that it is doing business as a governmental entity;~~
- 4) ~~An executed inter-governmental agreement necessary for project~~

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~~implementation, where necessary;~~

- ~~5) A "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C);~~
- ~~6) A resolution, ordinance or legal document authorizing a representative of the loan applicant to sign loan application documents;~~
- ~~7) A certification that the necessary project site, rights-of-way, easements and permits for construction of the project have been obtained and certification of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601);~~
- ~~8) A resolution of intent to comply with the National Flood Insurance Act of 1968 (42 USC 4001-4127) in accordance with Section 365.950 (Floodplain Insurance) of this Part;~~
- ~~9) An approved sewer use ordinance and user charge system in accordance with Sections 365.910 (Sewer Use Ordinance) and 365.920 (User Charges) of this Part;~~
- ~~10) Documentation to support the loan applicant's ability to repay the loan in accordance with Sections 365.930 (Financial Capability) and 365.940 (Dedicated Source of Revenue) of this Part;~~
- ~~11) The construction drawings and specifications, suitable for bidding purposes;~~
- ~~12) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable;~~
- ~~13) A project completion schedule;~~
- ~~14) An executed contract for design and construction related work in accordance with Section 365.630 (Contracts for Personal and Professional Services) of this Part;~~

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- 15) ~~An EPA Form 4700-4, Compliance Report;~~
 - 16) ~~An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency;~~
 - 17) ~~Proof of publication of the ordinance and any notice required by State statute, where applicable;~~
 - 18) ~~A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;~~
 - 19) ~~Tax Exemption Certificate and Agreement; and~~
 - 20) ~~Any other executed legal agreements necessary for project implementation.~~
- b) ~~In addition to the items identified in subsection (a), the Agency must have received the following items before it will issue the actual Loan Agreement:~~
- 1) ~~A certified copy of the published bid advertisement or advertisements;~~
 - 2) ~~Any addenda issued by the loan applicant, if applicable;~~
 - 3) ~~The bidder's bid bond or cashier's check for not less than 5% of the total bid;~~
 - 4) ~~The low bidder's certificate of nonsegregated facilities showing compliance with 18 USC 1001;~~
 - 5) ~~A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~
 - 6) ~~The submittal of bid tabulations;~~
 - 7) ~~An analysis of the bids and recommendations for the award of the bids;~~
 - 8) ~~A copy of the successful bid proposals;~~

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- 9) ~~The notice of the applicant's intent to award;~~
- 10) ~~A "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C) is required from the prime contractor and the engineer; and~~
- 11) ~~A Certification showing compliance with Section 33E-11 of the Illinois Criminal Code of 1961 [720 ILCS 5/33E-11].~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.440 Fixed Loan Rate**EMERGENCY**

- a) The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a WPCLP wastewater treatment works loan shall be a simple annual rate at one-half the market interest rate, ~~but not less than 2.50%.~~
- b) Notwithstanding subsection (a) above, for federal fiscal years 2010 and 2011 extending through and including September 30, 2011, the fixed loan rate charged for all loans from the WPCLP shall be a simple annual rate of 1.25%.
- b) ~~Notwithstanding subsection (a), for the period of time that funds from the ARRA are available for loan commitment, the fixed loan rate charged for all loans from the WPCLP shall be a simple annual rate of 0.00%.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.450 Refinancing**EMERGENCY**

- a) Design costs, as set forth in Section 365.460 (Limitation on Design Cost) of this Subpart, and bidding costs related to eligible construction contracts incurred prior to the award of the loan agreement are eligible for refinancing.

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- b) Costs under a construction contract executed prior to the award of the loan agreement shall be eligible for refinancing only when the following conditions apply:
- 1) The project meets the definition of a compliance project in accordance with Section 365.130 (Definitions) of this Part;
 - 2) The compliance project costs were incurred and construction was initiated after March 7, 1985; and
 - 3) The loan applicant has received written approval from the Agency prior to the award of the construction contract.
- c) Project costs refinanced shall receive the terms and interest rate available for the federal fiscal year that the loan agreement is issued.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.470 Limitation on Loan Assistance
EMERGENCY

- a) For each of federal fiscal years 2010 and 2011 extending through and including September 30, 2011, the amount of financial assistance from the WPCLP to a loan applicant cannot exceed total eligible project costs or \$20,000,000, whichever is less. Loan applicants with multiple projects will be limited by the aggregate amount of their projects in relation to these limitations.
- b) Notwithstanding subsection (a), for each of federal fiscal years 2010 and 2011 extending through and including September 30, 2011, the amount of financial assistance from the WPCLP to the Metropolitan Water Reclamation District of Greater Chicago cannot exceed total eligible project costs or \$100,000,000, whichever is less. Loans for multiple projects will be limited by the aggregate amount of those projects in relation to these limitations.
- c) For federal fiscal years 2012 and beyond, the Director of the Agency shall establish the annual limitations on loan assistance prior to the beginning of each federal fiscal year.

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(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section 365.520 Loan Applicant's Responsibilities During Facilities Planning
EMERGENCY

- a) The loan applicant shall provide facilities planning, which shall consist of plans and studies that are directly related to the construction of wastewater treatment works and/or other facilities that fulfill federal State Revolving Fund grant requirements for the green project reserve, to maintain compliance with applicable State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA, while recognizing social, environmental, and economic conditions. The planning shall provide documentation on the need for the facilities for which loan assistance is being requested.
- a) ~~The loan applicant shall:~~
- 1) ~~Undertake and complete facilities planning, which shall consist of plans and studies that are directly related to the construction of wastewater treatment works, to maintain compliance with applicable State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA;~~
 - 2) ~~Demonstrate to the Agency through such plans and studies the need for the facilities for which loan assistance is being requested; and~~
 - 3) ~~Demonstrate by a systematic evaluation of feasible alternatives that the proposed facilities represent the cost-effective means of meeting all applicable effluent limitations and water quality standards and goals, recognizing environmental and social conditions as set forth in subsections (b)-(e).~~
- b) If any information required to be furnished as part of a facilities plan has been developed separately, it shall be furnished and incorporated by reference in the facilities plan. Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable.
- c) The facilities plan shall be submitted to the Agency for approval. Where

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applicable, the applicant shall also submit drafts of any inter-governmental agreements or demonstrations of legal authority necessary to plan implementation.

- d) The facilities plan may include more than one construction project and provide the basis for several subsequent construction projects. A facilities plan which has served as the basis for providing a loan for a construction project shall be reviewed prior to providing any loan for a subsequent project involving construction to determine if changes have occurred which require amendments to the facilities plan. If substantial changes have occurred which warrant revision or amendment as specified in Section 365.530 of this Subpart, the plan shall be revised or amended and resubmitted for review and approval in accordance with the provisions of Section 365.530(a) and (b) of this Subpart.
- e) Facilities planning shall include the following elements in sufficient detail to, at minimum, comply with all applicable construction permit supporting data requirements of 35 Ill. Adm. Code 370.210:
- 1) A complete description of the selected ~~wastewater complete waste~~ treatment system or ~~other~~ systems ~~of which the proposed wastewater treatment works is a part~~, identification of any existing violations of federal or State wastewater regulations and identification of the needs to be addressed by the proposed project.
 - 2) A discussion of the technical, financial, managerial, and environmental considerations that form the basis for the applicant's selection of the ~~recommended project~~ ~~most-effective project from the range of alternatives available and considered~~, including ~~an evaluation regarding the~~ elimination of infiltration and inflow where applicable. When appropriate to the project scope, the following issues shall be addressed:
 - A) The relationship of the nature, size and capacity of ~~the~~ ~~selected~~ ~~each~~ alternative to the needs to be served, including reserve capacity;
 - B) Identification of current and proposed effluent discharge limitations and water quality standards for the proposed wastewater treatment works ~~or facilities~~, as required by Title IV of the CWA and 35 Ill. Adm. Code: Subtitle C;

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- C) A discussion of the operational requirements for the selected~~of each~~ alternative and provisions for the ultimate disposal of sludge materials from the wastewater treatment process;
- ~~D) An assessment of the capability of each alternative to maintain compliance with applicable laws and regulations;~~
- ~~DE) An inventory of the relative environmental impacts of the selected~~each~~ alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; and~~
- ~~EF) Adequate basis of design information for the selected~~each~~ alternative to confirm the reasonability of cost estimates.;~~
- ~~G) A comparison of costs for each alternative, including both capital and operational costs over a 20-year planning period.~~
- 3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and construction~~building~~, one or more 8.5 by 11 inch site map or maps locating areas of construction and~~or~~ indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code 370.
- 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies, including, at a minimum, comments from the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources.~~Evidence of consultation with relevant federal, State, interstate, regional or local agencies, with documentation of project approval where required.~~
- 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the project~~wastewater treatment system~~ and repayment of the proposed loan amount, as well as the impact of these costs on the system users.

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- 6) Applicant shall supply information sufficient to support a determination as to whether the project may qualify as water efficiency, energy efficiency, green infrastructure or environmental innovation.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.530 State Environmental Review**EMERGENCY**

- a) Prior to making a final determination on the acceptability of any facilities plan, the Agency shall undertake an environmental review. The Agency may categorically exclude certain classes of projects from a detailed environmental review and public hearing requirement when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.
- b) The Agency shall not begin its environmental review until it has determined that the facilities plan conforms to the requirements of Section 365.520 (Loan Applicant's Responsibilities During Facilities Planning) of this Subpart, and that, based on the information available, all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction.
- d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The public will be given an opportunity to comment on the facilities plan and the Agency's environmental impacts assessment.
- e) The PEID shall be mailed to the loan applicant and other interested parties, inviting public comment. The loan applicant shall hold a public hearing on the plan and the Agency's PEID for the purpose of obtaining public comment. The

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public hearing ~~shall~~will be held within 60 days after receipt of the Agency's PEID or within an alternate time period that is justified by the loan applicant and approved by the Agency. The loan applicant shall allow an additional ~~10~~15 days from the date of the public hearing for the submission of written comments from the public.

- f) The time and place of the public hearing shall be conspicuously and adequately announced at least 10 days before the hearing. In addition, the Agency's PEID document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project.
- ~~g)~~ ~~The loan applicant shall provide written notice of the public hearing to interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials.~~
- ~~g)h)~~ The loan applicant shall provide the Agency with an accurate summary of all public comments received, together with any proposed amendments to the plan made in response to these comments.
- ~~h)i)~~ Upon receipt of this public hearing summary and after the expiration of the ~~10~~15 day written comment period, the Agency shall issue:
- 1) An unconditional approval of the plan (original or as amended); or
 - 2) A conditional approval of the plan with special conditions; or
 - 3) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or
 - 4) A determination of the need for an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 USC 4332). The Agency may change its disapproval to approval or conditional approval based on the recommendations of the EIS.
- ~~i)j)~~ For projects categorically excluded from the environmental review process, the Agency shall provide to the applicant a Notice of Intent to Issue a Categorical Exclusion. The applicant shall publish the Agency Notice of Intent in the

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newspaper of local record, and provide public access to the planning documents and the Agency Notice of Intent and allow for 10 days for written public comment. ~~conspicuously and adequately announce the Notice of Intent to Issue a Categorical Exclusion, provide public access to the planning documents and Agency Notice of Intent, and allow 15 days for public comment.~~ If no valid objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the facilities plan. Should valid concerns be raised over potential environmental impacts, the Agency shall proceed with an environmental review under this Section 365.530 or issue a conditional approval where the applicant incorporates mitigative measures that would clearly resolve the environmental concerns.

~~j)k)~~ Agency approval of a facilities plan shall be valid for purposes of loan funding for a period of five years, after which time the plan must be updated and resubmitted to the Agency for review and approval. The Agency shall prepare a revised environmental review and provide an opportunity for public comment.

~~k)h)~~ At any time within 5 years from the date of facilities plan approval, the Agency may rescind its approval and require the planning to be amended, if there are changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter previous conclusions regarding environmental impacts or cost analyses~~cost-effectiveness~~. For projects where the amended planning would result in substantial changes in environmental or economic impacts, the Agency may require the applicant to provide an opportunity for public comment prior to granting approval of the amended plan.

~~l)m)~~ Additions to the project scope or changes to the location of proposed construction activity shall require an amendment to an approved facilities plan. Where the Agency determines that the proposed changes will not alter the previous environmental impacts findings, it will approve planning amendments by letter. In other cases, additional environmental review and public comment may be required.

~~m)n)~~ Agency facilities planning determinations made in accordance with subsections (h) and (i) ~~subsection (i) of this Section~~ shall be subject to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.610 Requirements for Subagreements**EMERGENCY**

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the WPCLP. Any procurement method, except as allowed under this Part 365, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under WPCLP loans.
- b) **Profits**
Only fair and reasonable profits may be earned by contractors in subagreements under WPCLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 365.620 (Construction Contracts) of this Subpart is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.
- c) **Loan Recipient Responsibility**
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which WPCLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. Such an individual or firm shall be deemed the loan recipient's agent, and shall be subject to all the provisions of the loan agreement,

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including this Part 365, that apply to the loan recipient.

- d) Privity of Contract
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), or to any solicitation or request for proposals under those subagreements.
- e) Subagreements shall:
 - 1) Be directly related to the accomplishment of the loan recipient's approved work program;
 - 2) Be in the form of an executed written agreement (except for small purchases of \$25,000 or less);
 - 3) Be for monetary or in-kind consideration; and
 - 4) Not be in the nature of a grant or gift.
- f) Documentation
 - 1) Procurement records and files for purchases in excess of \$25,000 shall include the following:
 - A) The basis for contractor selection;
 - B) The justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
 - C) The basis for award cost or price.
 - 2) Procurement documentation as described in subsection(f)(1) shall be retained by the loan recipient or contractor or contractors for the period required by Section 365.820 (Audit and Records) of this Part.
- g) Subagreements shall only be awarded to persons or organizations that:
 - 1) Have adequate financial resources for performance;

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- 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
 - 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
 - 4) Have a satisfactory record of integrity, judgment, and performance;
 - 5) Have an adequate financial management system and audit procedure which is consistent with auditing standards generally accepted in the United States of America~~generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards~~;
 - 6) Maintain a standard of procurement in accordance with this Part 365;
 - 7) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
 - 8) Conform to the civil rights, equal employment opportunity (Appendix A, Exhibit D) and labor law requirements of this Part 365.
- h) Fraud and Other Unlawful or Corrupt Practices
- 1) The obtaining and administration of loans from the WPCLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
 - 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention, and

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shall periodically advise the Agency of the status and ultimate disposition of any matter.

- i) Negotiation of Subagreements
All subagreements shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Procurements may be negotiated by the loan recipient if approved by the Agency for the following reasons:
- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
 - 2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;
 - 3) The materials or services to be procured are available from only one person or firm;
 - 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;
 - 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
 - 6) The procurement is for materials or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.620 Construction Contracts**EMERGENCY**

The following procedures shall apply to construction contracts (subagreements) awarded by loan

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recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) The contract documents to be submitted to the Agency shall require a bid bond or cashier's check for not less than 5% of the bid amount, executed contract, performance and payment bonds for the bid amount, certificate of insurance with loan recipient added as additional insured, and the notice to proceed.
- b) Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.610(i) (Negotiation of Subagreements) of this Subpart. Formal advertising shall be in accordance with the following:
 - 1) Evidence of advertising
The loan recipient shall submit to the Agency a certified copy of the bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the procedures for issuing loans from the WPCLP as set out in this Part 365, [the Davis-Bacon Act \(40 USC 276a through 276a-5\) as defined by the U.S. Department of Labor](#)~~the Prevailing Wage Act [820 ILCS 130]~~, the Employment of Illinois Workers on Public Works Act [30 ILCS 570], and Executive Order 11246, as amended (Appendix A, Exhibit D).
 - 2) Adequate bidding documents
Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a timely manner. A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying by any party. The bidding documents shall include:
 - A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (Drawings and specifications may be made available for inspection instead of being furnished-);
 - B) The terms and conditions of the contract to be awarded;
 - C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;

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- D) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- E) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;
- F) A copy of subsections (b)(2)(G) and (H) shall be included in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid;
- G) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:
- i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;
 - ii) Unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
 - iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33 E-11 of the Illinois Criminal Code of 1961 [720 ILCS 5/33E-11]; and
- H) Each person signing the bid shall certify that:

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- i) He or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(G); or
 - ii) He or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (b)(2)(G), and as their agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(G).
- 3) Addenda to bidding documents
If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send written addenda to all firms who have obtained bidding documents in time to be considered prior to the bid opening. When appropriate, the time period for submission of bids shall be extended. All addenda to the bidding documents shall be submitted to the Agency for approval prior to the bid opening.
- 4) Award to the low, responsive, responsible bidder
 - A) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval.
 - B) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan

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applicant.

- C) If the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.

c) Negotiations of Contract Amendments (Change Orders)

- 1) Loan recipient responsibility
The loan recipient shall be responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:
 - A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;
 - B) Assure that the contractor demonstrates that he or she will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and
 - C) Maintain a summary of all negotiations and the engineer's independent cost estimate.
- 2) Changes in contract price or time
The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c).
- 3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.
- 4) Agency review
For each change order, the loan recipient shall submit to the Agency for approval the following documentation:

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- A) A description of the changed work;
 - B) The contractor's proposal itemizing the cost and time to complete the changed work;
 - C) The loan recipient's or engineer's estimate of the cost and time to complete the changes;
 - D) Two copies of the executed change order with justification including, but not limited to, the need for the proposed work and the technical solution; and
 - E) The summary of negotiations and resolution between the engineer's independent cost estimate and the contractor's proposal.
- d) Each construction contract shall include the following provisions:
- 1) Audit; access to records:
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with Generally Accepted Accounting Principles consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c) (Negotiation of Contract Amendments (Change Orders)) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, documents, and other evidence for purposes of inspection, audit, and copying. The contractor shall provide facilities for access and inspection.
 - B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as specified in subsection (d)(1)(A) for all negotiated change orders and contract amendments in excess of \$25,000 that affect the contract

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price. In the case of all other prime contracts, the contractor shall agree to include access to records as specified above in all his or her contracts and all tier subcontracts or change orders in excess of \$25,000 that are directly related to project performance.

- C) Audits shall be consistent in accordance with auditing standards generally accepted in the United States of America, ~~with generally accepted auditing standards in accordance with the American Institute of Certified Public Accountants Professional Standards.~~
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A). Where the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (d)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken, shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.
- F) The right of access will generally be exercised with respect to financial records under:
- i) Negotiated prime contracts;
 - ii) Negotiated change orders or contract amendments in excess of \$25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - iii) Subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.

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G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:

i) With respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

ii) If there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.

2) Covenant against contingent fees.

The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

3) Wage provisions

The contractor shall pay prevailing wages in accordance with the [Davis-Bacon Act \(40 USC 276a through 276a-5\) as defined by the U.S. Department of Labor, Illinois Prevailing Wage Act \[820 ILCS 130\]](#).

4) Disadvantaged business enterprise requirements

The contractor shall provide evidence, including, but not limited to, a copy of the advertisement or advertisements and the record of negotiation, that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction and services consistent with the provisions of the Agency's Operating Agreement with USEPA.

5) Debarment and suspension provisions

The contract shall require the successful bidder or bidders to submit a "Certification Regarding Debarment, Suspension and Other Responsibility

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Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C).

- 6) Nonsegregated facilities provisions
The successful bidder shall be required to submit a certification of nonsegregated facilities as prescribed in 18 USC 1001.
- e) Subcontracts under construction contracts
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:
 - 1) All applicable provisions of federal, State and local law;
 - 2) All provisions of this Part 365 regarding fraud and other unlawful or corrupt practices;
 - 3) All provisions of this Part 365 with respect to access to facilities, records and audit of records; and
 - 4) All provisions of subsection (d)(5) that require a "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C).
- f) Contractor Bankruptcy
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.630 Contracts for Personal and Professional Services**EMERGENCY**

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All subagreements for personal and professional services for design or construction expected to exceed \$25,000 in the aggregate shall include the following subagreement provisions:

- a) Subagreements for personal and professional construction services shall include:
 - 1) Evidence, such as, but not limited to, a copy of the advertisement or advertisements and the record of negotiation in accordance with 40 CFR 33, that affirmative steps have been taken to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.
 - 2) An audit and access to records clause that provides as follows:
 - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$25,000.
 - B) Books, records, documents and other evidence directly pertinent to performance of WPCLP loan work under this agreement shall be maintained in accordance with Generally Accepted Accounting Principles consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards. The Agency or any of its authorized representatives shall have access to the books, records, documents and other evidence for the purpose of inspection, audit and copying. Facilities shall be provided for access and inspection.
 - C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States of America. ~~generally accepted auditing standards.~~
 - D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.

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- E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 365.650 (Disputes) of this Subpart, litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.
- 3) A covenant against contingent fees clause as follows:
"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee."
- 4) A "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C).
- 5) A description of the scope and extent of the project work.
- 6) The schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks.
- 7) A method of compensation.
- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
- c) If, at the time of contract execution, any of the elements required in this Section

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365.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART H: REQUIREMENTS APPLICABLE TO
ACCESS, AUDITING, AND RECORDS**Section 365.820 Audit and Records****EMERGENCY**

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with Generally Accepted Accounting Principles and accounting procedures and practices consistent with generally accepted government accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards.
- b) For purposes of this Section 365.820, records shall include, but not be limited to, the following:
 - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and
 - 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient's facilities, or any facilities engaged in the performance of the WPCLP loan project, and the loan recipient's records shall be subject to inspection and audit by the Agency or its authorized representative, at the times specified in Section 365.810 (Access) of this Subpart.
- d) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
 - 1) For all costs associated with design and construction, for 3 years after final loan closing;

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- 2) For all other accounting records concerning the loan, for 3 years from the date of the transaction; and
- 3) For any longer period required by law or by subsections (e) and (f).
- e) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- f) Records that relate to appeals under the "Disputes" clause in Section 365.650 of this Part, litigation or the settlement of claims arising out of the performance of the WPCLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- g) Failure of the loan recipient or its contractors or subcontractors to make records available to the Agency as required by Section 365.810 (Access) of this Subpart after 10 days written notice shall be cause for termination of the loan, pursuant to Section 365.330 (Termination) of this Part, and refund to the State of Illinois for deposit into the WPCLP of any unexpended loan funds. In addition, any loan recipient, contractor or subcontractor found in non-compliance with this Section 365.820 shall repay any loan funds previously spent.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART I: FINANCIAL AND MANAGERIAL CAPABILITY

Section 365.910 Sewer Use Ordinance**EMERGENCY**

- a) In order for the loan agreement to be issued, the Agency must have approved the loan applicant's sewer use ordinance with enactment of the ordinance required prior to the first loan disbursement. The loan applicant shall demonstrate to the satisfaction of the Agency that a sewer use ordinance or other legally binding requirement will be enacted and enforced prior to the first loan disbursement in each jurisdiction served by the ~~treatment works~~ project. The ordinance shall prohibit any connections from inflow sources into the sanitary sewer portions of

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the sewer system and shall ensure that new sewers and connections to the sewer system are properly designed and constructed.

- b) The sewer use ordinance shall require:
 - 1) Pretreatment of any industrial wastes that would otherwise be detrimental to the wastewater treatment works or its proper and efficient operation and maintenance or will otherwise prevent entry of industrial wastes into the wastewater treatment works; and
 - 2) Compliance with 35 Ill. Adm. Code 310 (Pretreatment Programs).
- c) The sewer use ordinance shall prohibit the introduction of industrial waste into the sewer system until the requirements of Section 365.920 (User Charges) of this Subpart are met.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.920 User Charges**EMERGENCY**

- a) In order for the loan agreement to be issued, the Agency must have approved the loan applicant's system of user charges. The user charge system must be enacted and enforceable before the first loan disbursement can be made.
- b) The Agency shall approve the user charge system in accordance with the following criteria:
 - 1) For loans issued prior to October 1, 2006, the user charge system must result in the distribution of the cost of operation, maintenance and replacement of treatment works within the loan recipient's service area to each user (or user class) in proportion to the user's contribution to the total wastewater loading of the wastewater treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation, maintenance, and replacement costs to each user (or user class).

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- 2) For the first year of operation of new facilities, operation, maintenance and replacement costs shall be based upon past experience for existing wastewater treatment works or some other rational method that can be demonstrated to be applicable.
 - 3) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual wastewater treatment works operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system, including projected costs, actual costs, revenue generated and fund balances at any time.
 - 4) The user charge system shall generate sufficient revenue to offset the cost ~~for~~for all wastewater treatment works operation, maintenance and replacement required to be provided by the loan recipient for all wastewater treatment works or facilities as authorized under this Part.
 - 5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authorizations. If the project is for a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. The user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental or service agreements or other appropriate authorizations.
- c) Upon approval of a loan recipient's system of user charges, the implementation and maintenance of the approved system shall become a condition of the loan subject to Section 365.310 (Noncompliance with Loan Procedures) of this Part.
 - d) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (b).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.930 Financial Capability**EMERGENCY**

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- a) The loan applicant shall demonstrate to the Agency that it has the necessary legal, financial, managerial and institutional capability to:
- 1) Construct, operate and maintain the project for the life of the ~~facility~~wastewater treatment works;
 - 2) Retire the loan in accordance with the schedule to be contained in the loan agreement, including the execution of any necessary intergovernmental agreements, enactment of a system of user charges and any legislative enactments necessary to recover adequate capital costs to repay the loan; and
 - 3) Meet any covenants and requirements in the loan agreement.
- b) To demonstrate financial, managerial and institutional capability, the loan applicant shall, at a minimum, show that:
- 1) It is empowered under law to own, operate and maintain ~~the facility~~a public wastewater treatment facility, including the facilities to be constructed under the loan;
 - 2) It has the necessary easements, titles, permits and intergovernmental agreements for loan project implementation, as identified in the facilities plan; and
 - 3) It has or will have the necessary qualified personnel to operate and maintain the facility.
- c) The financial capability demonstration shall be submitted to the Agency for approval and shall contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and upon the request of the Agency, historical information over the past 3 years consisting of audited annual financial statements, bond ratings, numbers of users and tax rate levies.
- d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including, but not limited to, acquisition of grant funding, reduction of project costs, additional or different

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sources of dedicated revenues, efforts to reduce the number of delinquent users, and changes to existing financial practices that may threaten generation of adequate revenues.

- e) The Agency may require a loan term of less than the 20 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.940 Dedicated Source of Revenue**EMERGENCY**

- a) A source of revenue shall be dedicated and pledged to make the loan repayments. Prior to loan approval, the Agency shall review the proposed dedicated and pledged revenue source to assure that it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve for the revenue source shall be equivalent to those in the revenue bond ordinance. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award.
- b) The necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make the first loan disbursement.
- c) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.
- d) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency ~~of and submit to the Agency for approval~~ all proposed changes to the dedicated source of revenue.
- e) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (c) that contains the status of the

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dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's review shall be based on, but not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue and is otherwise in accordance with this Part 365.

- f) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to re-examine the dedicated revenue source and restructure it as necessary.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

Section 365.1010 Determination of Allowable Costs**EMERGENCY**

The loan recipient shall be paid, upon request, in accordance with Section 365.1030 (Disbursement of Loan Funds) of this Subpart, for all costs within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be allowable in accordance with the following criteria:

- a) Allowable Project Costs
All reasonable and necessary costs directly attributable to the design and construction of an eligible, loan assisted ~~wastewater treatment works~~ project that are not excluded from loan funding by legislation or non-waivable regulations. Categories of necessary costs include, but are not limited to, the following:
- 1) The direct purchase of materials, equipment and personal services specifically necessary for the completion of a loan funded project;
 - 2) Professional and consultant services contracts necessary for design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part 365;
 - 3) Costs under approved construction contracts; and
 - 4) Costs for premiums for required flood insurance during the project

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construction period.

- b) **Ineligible Costs**
Categories of cost that are ineligible for loan assistance, and are not subject to the "reasonable and necessary" test of allowability include, but are not limited to, the following:
- 1) Cost for preparing a facilities planning document;
 - 2) Cost for basin or areawide planning other than facilities planning;
 - 3) Costs outside the scope of the approved facilities plan;
 - 4) Site acquisition, including easement compensation, except in those instances where the land itself shall serve as the medium for treatment (e.g., land for spray irrigation of wastewater); and
 - 5) Construction of any facilities that do not comply with the definition of a "treatment works" as contained in Section 212 of the Clean Water Act or do not qualify in meeting the federal green project reserve requirement.
- c) **Disputes Concerning Allowable Costs**
The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

Section 365.1020 Use of Loan Funds and Payment of Unallowable Costs**EMERGENCY**

- a) Loan funds shall be expended solely for approved allowable costs incurred in the design and construction of the project.
- b) The loan recipient shall agree to pay the unallowable costs associated with the project, as well as all allowable costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the

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Agency.

- c) The loan recipient shall commit itself to complete the construction of the ~~project~~operable wastewater treatment works.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

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Section 365.APPENDIX B Loan Application Documents

Section 365.EXHIBIT A Loan Application Form
EMERGENCY

Applicant Information

L17# _____

1. Legal Name of Applicant: _____

2. Applicant Address: _____

Project Description: _____

Federal Employer Identification Number (FEIN)*: _____

* Submit FEIN Certification (attached)

3. Authorized Representative:

Name: _____ Title: _____

Phone: _____ Email: _____

4. Engineer:

Name: _____ Firm: _____

Address: _____ Phone: _____

_____ Email: _____

5. Attorney:

Name: _____ Firm: _____

Address: _____ Phone: _____

_____ Email: _____

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6. Include detailed construction cost estimate in bid format as part of this application and summarize below:

<u>Construction</u>	\$
<u>Legal/Financial</u>	\$
<u>Design Engineering</u>	\$
<u>Construction Engineering</u>	\$
<u>Other</u>	\$
<u>Contingency</u>	\$
	<hr/>
<u>Total</u>	\$

7. Amount requested for loan \$ _____

8. Loan repayment period requested (maximum term is 20 years): _____

20 Years

Other (_____ number of years)

9. List any other proposed sources of funding in addition to loan request:

Source: _____ Amount: _____

Date Available: _____

10. Project Schedule (Indicate "complete" or anticipated date of completion as appropriate)

a) Approved Facilities Planning: _____

b) Plans and Specifications completed and submitted to Illinois EPA: _____

c) Illinois EPA Permit issued: _____

d) Approved Operation, Maintenance and Replacement Revenue System and Dedicated Source of Revenue: _____

e) Advertise for Bids: _____

f) Initiation of Construction: _____

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g) Completion of Construction: _____

Loan Program Certifications

- Whereas, the application provisions for loans from the Water Pollution Control Loan Program require that the loan applicant provide the following certifications and assurances:

The loan applicant hereby agrees to pay all project costs not covered by the loan. If the project costs provided by the applicant exceed the lesser of 5% of the total project cost or \$100,000, please provide the following information:

Amount to be provided by applicant \$ _____

Source of funds _____

- The loan applicant hereby certifies that it has analyzed the costs and the financial impacts of the proposed project and that it has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the treatment works project.
- The loan applicant hereby certifies that no unlawful or corrupt practice has taken place in the planning or design of the proposed project.
- The loan applicant hereby certifies that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project.
- The loan applicant hereby certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act.

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant to the best of its knowledge and belief that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

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- b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC 1001, a false statement may result in fine of up to \$10,000 or imprisonment for up to 5 years, or both.

INTENT REGARDING NATIONAL FLOOD INSURANCE

Whereas application provisions for loans from the Water Pollution Control Loan Program require compliance with the National Flood Insurance Act of 1968, as amended, and

Whereas the costs of securing and maintaining flood insurance are eligible for loan participation during the approved construction period, and

Whereas failure to secure flood insurance for eligible construction located in designated flood hazard areas will cause this construction to become ineligible for loan funds:

Now therefore, be it resolved that the _____ of _____ will cooperate and coordinate with the National Flood Insurance Program to acquire and maintain any flood insurance made available for Project L17# _____ for the entire useful life of the insurable construction pursuant to the Flood Insurance Act of 1968, as amended, and that it will secure said flood insurance for each insurable structure, as soon as said insurance is available and will notify the Illinois Environmental Protection Agency in writing that the National Flood Insurance requirement has been satisfied.

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**CERTIFICATION REGARDING PROJECT SITE,
RIGHTS-OF-WAY, EASEMENTS, AND PERMITS**

1. The applicant has investigated and ascertained the location of the site or sites, rights-of-way, and easements being provided for the facilities in its application for loan assistance. In my opinion, the applicant has a sufficient legal interest in the said site or sites, rights-of-way, and easements to permit the building of such facilities thereon and to permit the operation and maintenance of such facilities thereon during the estimated life of the facility by the applicant after the completion of construction.
2. The loan applicant has complied with the provisions of 49 CFR 24 as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42 USC 4601 et seq.).
3. The loan applicant has obtained all the necessary permits as indicated below:

<u>Type of Permit</u>	<u>Permit Number</u>	<u>Date Issued</u>
<u>Army Corps of Eng. 404</u>	_____	_____
<u>IL Dept. of Trans.</u>	_____	_____
<u>County Highway</u>	_____	_____
<u>Other</u>	_____	_____

AUTHORIZATION OF A REPRESENTATIVE TO SIGN LOAN DOCUMENTS

Whereas, application provisions for loans from the Water Pollution Control Loan Program require that the _____ of _____ authorize a representative to sign the loan application forms and supporting documents; therefore, be it resolved by the _____ of _____ that _____ is hereby authorized to sign all loan

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application forms and documents.

I _____ hereby verify that the above information is, to the best of my knowledge, true and correct.

Date: _____ Signed by: _____

(Authorized Representative)

Title: _____

Attested by: _____

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TAXPAYER IDENTIFICATION NUMBER

I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and

3. I am a U.S. person (including a U.S. resident alien).

- *If you are an individual, enter your name and SSN as it appears on your Social Security Card.*
- *If you are a sole proprietor, enter the owner's name on the name line followed by the name of the business and the owner's SSN or EIN.*
- *If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's name on the name line and the d/b/a on the business name line and enter the owner's SSN or EIN.*
- *If the LLC is a corporation or partnership, enter the entity's business name and EIN and for corporations, attach IRS acceptance letter (CP261 or CP277).*
- *For all other entities, enter the name of the entity as used to apply for the entity's EIN and the EIN.*

Name: _____

Business Name: _____

Taxpayer Identification Number: _____

Social Security Number: _____

or

Employer Identification Number _____

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Legal Status (check one):

Individual

Governmental

Sole Proprietor

Nonresident alien

Partnership

Estate or trust

Legal Services Corporation

Pharmacy (Non-Corp.)

Tax-exempt

Pharmacy/Funeral Home/Cemetery (Corp.)

Corporation providing or billing
medical and/or health care services

Limited Liability Company (select
applicable tax classification)

Corporation NOT providing or bililng
medical and/or health care services

D = disregarded entity

C = corporation

P = partnership

Signature: _____

Date: _____

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010,
for a maximum of 150 days)

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Section 365.APPENDIX B Loan Application Documents

**Section 365.EXHIBIT B Program Financial Requirements
EMERGENCY**

Loan Applicant: _____

Loan Number: _____

Please answer or submit information indicated, as appropriate.

A. Dedicated Source of Revenue

1. Home Rule Non-Home Rule

2. Type of loan instrument

a. General Obligation Debt

b. Alternate (double barreled) bonds with property tax levy that pledges an alternate revenue source of _____

c. Water Sewer Combined System Revenues – Senior Lien

d. Water Sewer Combined System Revenues – Subordinate Lien

3. Authority of applicant to issue debt

a. Home rule powers

b. Specific authorizing statute: ILCS _____

c. Other (specify)

4. Please submit a copy of the certified ordinance authorizing the debt to be incurred, along with existing ordinances if a subordinate lien is proposed. If this is a subordinate lien, the certified ordinance authorizing debt must have provisions for equivalent accounts and coverage.

5. Please submit a signed legal opinion with respect to the validity and enforceability of the applicant's obligations (the bond ordinance) and the absence of conflicts with other agreements, bonds or ordinances.

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6. Please submit a detailed demonstration that the dedicated source of revenue will provide adequate revenues to repay the loan in accordance with the terms of the loan agreement, including meeting any covenants and requirements in the loan agreement.

Please complete **EITHER** Section B. or Section C. below, as appropriate:

B. User Charge System (complete tasks if an Agency approved user charge system IS NOT in place)

1. Please submit a detailed Operation, Maintenance and Replacement (OM&R) budget.
2. Please provide calculations to demonstrate how the rates and surcharges are calculated. The rates should be expressed in cost per unit of usage i.e., per 1,000 gallons, per 100 cubic feet, where appropriate).
3. Please submit copies of certified sewer use and sewer rate ordinances.

C. Supplemental Review (complete tasks if an Agency approved user charge system IS in place)

1. Please provide a statement certifying that the sewer use and sewer rate ordinances originally approved are in place and being enforced. The certification should also address the following questions:
 - a. Is an annual review of the User Charge System and wastewater/other service charges being performed?
 - b. Is the User Charge System generating sufficient revenue to recover the Operation, Maintenance and Replacement (OM&R) Costs?
 - c. Will this project result in substantial changes to the costs for Operation, Maintenance and Replacement?

Include ordinance numbers and effective dates, and please reference any amendments made to the ordinances since their approval.

2. If the project will result in substantial changes in costs for Operation, Maintenance and Replacement, please submit a proposed budget for the first year OM&R costs and a

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review of wastewater/other service charges, along with necessary revisions to the rate ordinance, where appropriate.

D. Tax Exemption Certificate and Agreement

1. Please provide a signed copy of the Tax Exemption Certificate and Agreement. This document can be accessed on the Agency's website at: http://www.epa.state.il.us/water/forms#html_financial-assistance or by calling 217/782-2027.

2. Are other entities substantially benefiting (greater than 5%) from the project?

Yes No

Please submit copies of any applicable service agreement(s) with substantial beneficiaries.

I hereby certify that the above information is, to the best of my knowledge, true and accurate.

(Authorized Representative)

(Date)

Financial Information Requirements

Prior to the issuance of a loan agreement, the loan applicant must provide detailed and sufficient information to allow the Agency to determine that, 1) the applicant is financially capable, 2) has pledged a Dedicated Source of Revenue that is adequate to retire the debt and meet any covenants and requirements in the loan agreement, and 3) has established a Sewer Use and User Charge System, where applicable, that will generate adequate revenues to repay the loan and accommodate costs for operation, maintenance and replacement of the facilities to be constructed.

These financial information requirements can generally be accomplished by completing the Financial Information Checklist above, which will necessarily involve the enactment of an ordinance or other legal instrument authorizing the debt to be incurred, and the development and

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enactment of an ordinance or other legal instrument establishing a User Charge System and Sewer Use System, where applicable. If a User Charge System has been previously approved by the Agency, evidence will be required to assure that the system has been adequately maintained, is being enforced and will continue to produce adequate revenues.

This brief summary of WPCLP loan rules, Agency review procedures, and information that must be submitted for the Agency's review is being provided along with the Financial Information Checklist above to provide guidance for potential loan recipients.

Financial Capability

The Agency will require the loan applicant to demonstrate that it has the legal, financial, managerial and institutional capability to retire the loan and to construct, operate and maintain the project for the life of the facilities to be constructed. The applicant must also demonstrate the ability to meet any covenants contained in the loan agreement.

The Agency's Financial Capability review will be conducted using items submitted as part of the loan application, including our review of the Dedicated Source of Revenue and the User Charge System as detailed below. If the Agency is unable to make a Financial Capability determination based on the loan application, the submission of additional financial data, including audited financial statements, may be required.

Dedicated Source of Revenue

The Agency will require that a specific source(s) of revenue be dedicated and pledged to make the loan repayments. Prior to the Agency's approval of the dedicated source(s) of revenue, the applicant must demonstrate that the pledged revenue source(s) will generate adequate revenues to make loan repayments for the term of the loan. The term of the loan will be specified in the loan agreement, but shall not exceed 20 years from the initiation of operation date contained in the loan agreement. Additional points that must be considered during the development of the dedicated source of revenue are:

- The dedicated source of revenue is usually pledged by the loan applicant in the form of an adopted ordinance that pledges a specific and dedicated source of revenue for repayment of the loan. The adopted ordinance will in most cases pledge a very stable source of revenue, such as revenues of the system, in the form of a revenue bond. General obligation and alternate bond ordinances are also acceptable. The loan applicant will be responsible for

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meeting all publication requirements, including publication of the Notice of Intent to Borrow Funds and Right to File a Petition, where applicable.

- In the case of revenue bonds, the Agency will require that debt service coverage requirements for the IEPA loan be equal to any outstanding senior debt that is payable from revenues of the system, or from other revenues that are pledged for repayment of the loan. If a sewer service charge is used, the rate ordinance and sewer rate must be adopted prior to first disbursement on the loan. State law requires a 1.25 x coverage test for alternate bonds, and parity revenue bonds must also meet the covenants made to outstanding investors.
- The Agency will require the loan applicant to furnish a legal opinion verifying the legality and acceptability of the ordinance and other elements of the debt instrument selected for repayment of the loan. This opinion will necessarily address the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances. Retention of bond counsel is optional.

User Charge System

The Agency will require the loan applicant to establish a User Charge System, or alternative revenue collection system that will generate adequate revenues to make loan repayments for the term of the loan and to accommodate costs for operation, maintenance and replacement of the facilities to be constructed. The establishment of a User Charge System is generally accomplished by the development and enactment of an ordinance establishing a Sewer Use and User Charge (Sewer Rate) System to govern terms and charges for use of the system. If alternative revenue sources (not system revenues) will be dedicated to the project, other appropriate legal instruments will be required to secure a revenue stream and ensure debt service on the loan.

If the applicant has a previously approved User Charge System, the Agency will review the system to ascertain that the system was enacted and has been maintained in accordance with the previous approval and that it will continue to produce adequate revenues for the proposed project.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

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Section 365.APPENDIX B Loan Application Documents

**Section 365.EXHIBIT C Bid Certifications Form
EMERGENCY**

Loan Applicant: _____

Loan Number: _____

Please answer or submit information indicated, as appropriate.

1. Please submit evidence of advertising, including a certified copy of the bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the procedures for issuing loans from the WPCLP as set out in this Part 365, the Davis-Bacon Act (40 USC 276a through 276a-5) as defined by the U.S. Department of Labor, the Employment of Illinois Workers on Public Works Act [30 ILCS 570], the Disadvantaged Business Enterprise program requirements (40 CFR 33) and Executive Order 11246, as amended (Appendix A, Exhibit D) (reference [Section 365.620\(b\)\(1\)](#)).

a) The advertisement was placed in the: _____ newspaper*

* "Key" newspaper required (reference DBE Guidance at:
<http://www.epa.state.il.us/water/forms/html#financial-assistance>)

b) The advertisement was placed on: _____
(date)

c) The date of bid opening is: _____

d) Bid holding period is: _____ days

2. Please submit the bid tabulation and the selected bidder's proposal (bid form only) reflecting any addenda issued during the bidding period (reference [Section 365.620\(b\)](#)).

a) Number of bids received: _____

b) Low/High range for base bids: _____ to _____

c) Is the loan recipient awarding to the low responsive, responsible bidder?

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Yes No

If not, please submit justification disqualifying the apparent low bidder (reference [Section 365.620\(b\)\(4\)\(C\)](#)).

d. Are there appeals or protests? Please answer yes or no: _____

3. Please list and provide a summary of any addenda issued during the bidding period. The summary should reflect any change to major equipment or suppliers in the proposal and any alternates (deductive/additive) to be used in the project. Please include a statement that applicable addenda and alternates (deductive/additive) have been approved by the Agency's Permit Section.

4. Please submit the consultant's analysis of bids and recommendation for award (reference [Section 365.620\(b\)\(2\)\(c\)](#)).

5. Please submit the loan applicant's letter of intent to award or the official minutes of board approval for the award (reference [Section 365.620\(b\)\(4\)\(A\)](#)).

6. Please submit a summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33. Guidance for loan applicants on DBE requirements can be found on the Agency's website at <http://www.epa.state.il.us/water/forms.html#financial-assistance>. At a minimum, the loan applicant shall submit completed and signed copies of Forms 6100-3 (DBE Subcontractor Performance Form) and 6100-4 (DBE Subcontractor Utilization Form) if DBE inquiries are received on the project.

7. Bid Certifications – By submission of these bids and by certification provided hereunder, the loan applicant certifies that to the best of its knowledge and belief that it and its principals have read and understand the various requirements pertaining to bids as embodied in these loan rules and that the specific certifications detailed below are provided by submission of these bids.

8. Contractor Certifications – Completed copies of three additional certifications must be executed by the selected contractor and submitted by the loan applicant, including a Certification of Non-Segregated Facilities, a Bidder Certification in Compliance with Article 33E to the "Criminal Code of 1961" and a Certification Regarding Debarment, Suspension and Other Responsibility Matters. Forms acceptable for this purpose are provided in this package below.

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Bid Certifications

- _____ • The loan applicant hereby certifies that the bidding documents include: a complete statement of the work to be performed, including necessary drawings and a required completion schedule; the terms and conditions of the contract to be awarded; a clear explanation of the method of bidding, the method for evaluation of bid prices and the basis and method for award of the contract; a statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract; and a summary of responsibility requirements or criteria that may be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient.

- _____ • The loan applicant hereby certifies that the certifications contained in Section 365.620(b)(2)(G) and (H) in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid.

- _____ • The loan applicant hereby certifies that the proposal is consistent with approved specifications in terms of quantity, description and eligibility.

- _____ • The loan applicant hereby certifies that any addenda issued during the bidding period were distributed to all prospective bidders and approved by the Agency.

- _____ • The loan applicant hereby certifies that a bid bond or cashier's check for not less than five percent (5%) of the bid amount and signed power of attorney is provided (reference [Section 365.620\(a\)](#)).

- _____ • The loan applicant hereby certifies that any change to major equipment or suppliers in the proposal has been approved by the Agency (Permit Section), that alternates (deductive/additive) taken have been approved by the Agency (Permit Section) and that an approved Permit # _____ is in place for the project.

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- The loan applicant hereby certifies that a list of all subcontractors being utilized on the project will be maintained in the project file and made available for inspection upon request. The subcontractors list should include a name, address and telephone number for all subcontractors being used.

I hereby certify that the above information, including all certifications provided to comply with the procedures for issuing loans from the WPCLP, is, to the best of my knowledge, true and accurate.

(Authorized Representative)

(Date)

Contractor Certifications

U.S. ENVIRONMENTAL PROTECTION AGENCY

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related subcontracts exceeding \$10,000 that are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical

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certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certification in his files.

Signature

Date

Name and Title of Signer (Please type)

Firm Name

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

Bidder Certification
In Compliance with Article 33E to the
"Criminal Code of 1961"

I, _____, do hereby certify that:

Name

1. I am _____ of the _____
Position Firm
and have authority to execute this certification on behalf of the firm.

2. This firm is not barred from bidding on this contract as a result of a violation of either Section 33E-3, Bid-rigging, or Section 33E-4, Bid Rotating, as set forth in Article 33E to the "Criminal Code of 1961".

Name of Firm _____

Signature _____

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Title _____

Date _____

Corporate Seal (where appropriate)

On this _____ day of _____, 20____, before me appeared _____
to me personally known, who, being

(Name)

duly sworn, did execute the foregoing affidavit, and did state that he or she was properly
authorized by _____ to execute the affidavit and did so

(Name of Firm)

as his or her free act and deed.

(Notary Public)

(Commission Expires)

Notary Seal

EPA Project Control #: _____

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant to the best of its knowledge and belief that it and its principles:

ENVIRONMENTAL PROTECTION AGENCY

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- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC 1001, a false statement may result in fine of up to \$10,000 or imprisonment for up to 5 years, or both.

(Typed Name & Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

I am unable to certify the above statements. My explanation is attached.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Procedures For Issuing Loans From the Public Water Supply Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 662
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
662.110	Amendment
662.120	Amendment
662.130	Amendment
662.140	Amendment
662.210	Amendment
662.220	Amendment
662.230	New Section
662.240	New Section
662.340	Amendment
662.410	Amendment
662.420	Amendment
662.430	Amendment
662.440	Amendment
662.450	Amendment
662.470	Amendment
662.510	Amendment
662.520	Amendment
662.610	Amendment
662.620	Amendment
662.630	Amendment
662.820	Amendment
662.910	Amendment
662.920	Amendment
662.930	Amendment
662.1010	Amendment
662.1020	Amendment
662.1110	Amendment
662.APPENDIX B EXHIBIT A	New Section
662.APPENDIX B EXHIBIT B	New Section
662.APPENDIX B EXHIBIT C	New Section
- 4) Statutory Authority: Implementing and authorized by Section 19.1-19.9 of the Environmental Protection Act [415 ILCS 5/19.1-19.9]

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- 5) Effective Date of Rulemaking: June 10, 2010
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments are not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: June 10, 2010
- 8) A copy of the emergency amendments, including any material incorporated by reference, are on file in the agency's principal office and are available for public inspection.
- 9) Reason for Emergency: The Agency needs to file these emergency rules to allow the Agency to administer the Public Water Supply Loan Program (PWSLP) in conjunction with the Capitalization Grant Agreement with USEPA, which now requires the Agency to allow for principal forgiveness and to address green infrastructure projects. If the Agency fails to implement the new requirements pursuant to the Capitalization Grant Agreement with USEPA Illinois would lose its funding from USEPA to administer this program. Identical proposed amendments will be submitted for publication in the *Illinois Register* by the Agency.
- 10) A Complete Description of the Subjects and Issues Involved: These rules establish changes to procedures the Agency will use to administer the PWSLP in conjunction with the new requirements found in the Capitalization Grant Agreement between the Agency and USEPA. The emergency rules will allow the Agency to lower the existing PWSLP interest rate and provide for principal forgiveness, provide a more streamlined loan application process and address green infrastructure projects.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding these amendments shall be directed to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel

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1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 662
PROCEDURES FOR ISSUING LOANS FROM THE
PUBLIC WATER SUPPLY LOAN PROGRAM

SUBPART A: INTRODUCTION

Section

662.110 Purpose

| [EMERGENCY](#)

662.120 Administration

| [EMERGENCY](#)

662.130 Definitions

| [EMERGENCY](#)

662.140 Incorporations by Reference

| [EMERGENCY](#)

SUBPART B: FEDERAL REQUIREMENTS FOR
THE PUBLIC WATER SUPPLY LOAN PROGRAM

Section

662.210 Uses of the Public Water Supply Loan Program

| [EMERGENCY](#)

662.220 Agency Responsibilities Under the Federal Safe Drinking Water Act

| [EMERGENCY](#)

[662.230](#) [Green Project Reserve](#)

| [EMERGENCY](#)

[662.240](#) [Principal Forgiveness](#)

| [EMERGENCY](#)

SUBPART C: LIABILITIES AND REMEDIES FOR
FAILURE TO COMPLY WITH LOAN PROCEDURES

Section

662.310 Noncompliance with Loan Procedures

ENVIRONMENTAL PROTECTION AGENCY

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- 662.320 Stop-Work Order
- 662.330 Termination
- 662.340 Waiver of Procedures

[EMERGENCY](#)

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section

- 662.410 Project Priority Determination

[EMERGENCY](#)

- 662.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded

[EMERGENCY](#)

- 662.430 Financial Assistance Application and Approval

[EMERGENCY](#)

- 662.440 Fixed Loan Rate

[EMERGENCY](#)

- 662.450 Refinancing

[EMERGENCY](#)

- 662.460 Limitation on Design Cost

- 662.470 Limitation on Loan ~~Assistance~~Amount

[EMERGENCY](#)

- 662.480 Loans to Privately Owned Community Water Supplies

SUBPART E: PROJECT PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section

- 662.510 Loan Applicant's Responsibilities During Project Planning

[EMERGENCY](#)

- 662.520 State Environmental Review

[EMERGENCY](#)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section

- 662.610 Requirements for Subagreements

[EMERGENCY](#)

- 662.620 Construction Contracts

[EMERGENCY](#)

- 662.630 Contracts for Personal and Professional Services

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[EMERGENCY](#)

- 662.640 Compliance with Procurement Requirements for Construction Contracts
- 662.650 Disputes
- 662.660 Indemnity
- 662.670 Covenant Against Contingent Fees

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

Section

- 662.710 Construction Initiation
- 662.720 Project Changes
- 662.730 Construction Engineering
- 662.740 Operation and Maintenance of the Project
- 662.750 Final Inspection

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section

- 662.810 Access
- 662.820 Audit and Records

[EMERGENCY](#)

- 662.830 Single Audit Act

SUBPART I: FINANCIAL AND MANAGERIAL CAPACITY

Section

- 662.910 Operation, Maintenance and Replacement Revenue System

[EMERGENCY](#)

- 662.920 Financial Capability

[EMERGENCY](#)

- 662.930 Dedicated Source of Revenue for Local Government Units

[EMERGENCY](#)

- 662.935 Source of Revenue and Security for Privately Owned Community Water Supplies
- 662.940 Floodplain Insurance

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

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Section

662.1010 Determination of Allowable Costs

[EMERGENCY](#)

662.1020 Use of Loan Funds and Payment of Unallowable Costs

[EMERGENCY](#)

662.1030 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT
AND DELINQUENT REPAYMENT

Section

662.1110 Loan Repayment to the Agency

[EMERGENCY](#)

662.1120 Delinquent Loan Repayments

662.APPENDIX A Executive Orders

662.EXHIBIT A Executive Order 11625 (Repealed)

662.EXHIBIT B Executive Order 12138 (Repealed)

662.EXHIBIT C Executive Order 12549

662.EXHIBIT D Executive Order 11246

[662.APPENDIX B Loan Application Documents](#)[662.EXHIBIT A Loan Application Form](#)[EMERGENCY](#)[662.EXHIBIT B Program Financial Requirements](#)[EMERGENCY](#)[662.EXHIBIT C Bid Certifications Form](#)[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 10091, effective July 17, 1997, for a maximum of 150 days; emergency expired on December 13, 1997; adopted at 22 Ill. Reg. 3782, effective February 10, 1998; amended at 24 Ill. Reg. 16245, effective November 1, 2000; emergency amendment at 33 Ill. Reg. 8674, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15575, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days.

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SUBPART A: INTRODUCTION

Section 662.110 Purpose**EMERGENCY**

The federal Safe Drinking Water Act Amendments of 1996 include a mechanism to provide capitalization grants to the states for the purpose of establishing drinking water revolving loan funds. 42 ~~USC~~ 300j-12 authorizes the Administrator of the United States Environmental Protection Agency to enter into agreements with the states to establish these loan funds, and establishes specific requirements for the development and operation of the state loan programs. The Illinois General Assembly has created the Public Water Supply Loan Program (PWSLP), to be administered by the Illinois Environmental Protection Agency [415 ILCS 5/19.1 through 19.9]. This Part 662 sets out the procedures the Agency will use to operate the PWSLP, including the issuance of loans for the construction of public water supply facilities and the use of additional subsidization terms, including forgiveness of principal, negative interest rates, and grants to eligible applicants for the construction of drinking water facilities and other facilities that meet the federal green project reserve requirement.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.120 Administration**EMERGENCY**

- a) The Public Water Supply Loan Program, an interest-bearing special fund, will be administered by the Agency as an instrumentality of the State of Illinois in accordance with the Operating and Capitalization Grant Agreements between the Agency and the USEPA in accordance with State and federal laws.
- b) Copies of forms that are required and sample language that can be used to satisfy the requirements of a PWSLP loan application can be obtained from the Illinois Environmental Protection Agency, Infrastructure Financial Assistance Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276 and is also available at the Agency's website at <http://www.epa.state.il.us/water/forms.html#financial-assistance>.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

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Section 662.130 Definitions**EMERGENCY**

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted thereunder.
- b) For the purposes of this Part, the following definitions apply:

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – Illinois Environmental Protection Agency.

~~ARRA – The American Recovery and Reinvestment Act of 2009 (Public Law 111-5).~~

Billed Customers – The customers receiving a bill who are responsible for paying for water services.

Binding Commitment – A legal obligation between the Agency and a [loan recipient](#)~~local government unit or privately owned community water supply~~ to provide financial assistance from the Public Water Supply Loan Program to that [loan recipient](#)~~local government unit or privately owned community water supply~~, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Building Cost – The cost of erection of construction contract line items. Building costs do not include preliminary planning, engineering, architectural, legal, fiscal, administrative or contingency costs.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for [PWSLP](#)

ENVIRONMENTAL PROTECTION AGENCY

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[projectseonstruction-of-public-water-supply-facilities.](#)

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply facilities; engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supply facilities, or the inspection or supervision of any of the foregoing items.
[415 ILCS 5/19.2(d)]

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Dedicated Source of Revenue – The type of security and the basis of legal authorization which are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment to the PWSLP, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to project plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems.

Director – Director of the Illinois Environmental Protection Agency.

[Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of drinking water projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.](#)

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Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Fixed Loan Rate – The fixed loan shall be 1.25% for loans issued from funds provided under the PWSLP in federal fiscal years 2010 and 2011, extending through and including September 30, 2011. Thereafter, the fixed loan rate shall be determined on an annual basis by the procedures as defined in Section 662.440 (Fixed Loan Rate) of this Part. ~~One half the market interest rate but not less than 2.50%.~~

Fund – The Water Revolving Fund authorized by 415 ILCS 5/19.3, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains, wetlands, coupled with policies such as infill and redevelopment that reduces overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns.

Green Project Reserve – The particular portion of a Capitalization Grant Agreement that is required to be set-aside or reserved, and that shall be used by the State for projects that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Health Hazard Determination – A health hazard determination exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in U.S. Environmental Protection Agency (USEPA) Health Advisories, or by the Illinois Department of Public Health or by the Centers for Disease Control and Prevention or which otherwise pose an immediate threat to public health.

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Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed and constructed.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the PWSLP, project categories, terms of financial assistance, communities and population benefitted. [415 ILCS 5/19.2(e)]

Interest Rate – Not less than ~~one-half~~~~one-fourth~~ of the [Fixed Loan Rate](#)~~market interest rate~~ rounded to the nearest .01%.

Loan Agreement – The contractual agreement between the Agency and the local government unit or privately owned community water supply which contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant – A local government unit or privately owned community water supply that has applied for a loan from the PWSLP for construction of public water supply facilities.

Loan Commitment Letter – The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures – The procedures for issuing loans from the Public Water Supply Loan Program as set out in this Part 662.

Loan Recipient – A local government unit or privately owned community water supply which has been provided a loan for construction of public water supply facilities from the PWSLP and which will own and be responsible for the operation and maintenance of the community water supply facility.

Loan Support Rate – Not more than ~~one-half~~~~one-fourth~~ of the [Fixed Loan Rate](#)~~market interest rate~~ rounded to the nearest .01%.

Local Government Unit – A county, municipality, township, municipal or county

ENVIRONMENTAL PROTECTION AGENCY

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sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from ~~October~~July 1 to ~~September~~June 30 of the preceding ~~federal~~State fiscal year rounded to the nearest .01%.

Maximum Contaminant Level (MCL) – The maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

Operating Agreement – The agreement between the Agency and the USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the PWSLP.

Principal – All disbursements, including interest and loan support accrued on the disbursements, that will be financed at the time the repayment schedule period begins.

Privately Owned Community Water Supply – An investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility; a not-for-profit water corporation, if operating specifically as a water utility; and a mutually owned or cooperatively owned community water system, if operating as a separate water utility. [415 ILCS 5/19.2]

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663: Subpart B (Procedures for Calculating the Loan Priority Index) which the Agency has determined are eligible to receive financial assistance from the PWSLP.

PWSLP – The Public Water Supply Loan Program as authorized by Section 19.2 of the Environmental Protection Act [415 ILCS 5/19.2].

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents.

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NOTICE OF EMERGENCY AMENDMENTS

Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

SDWA – The federal Safe Drinking Water Act, as amended (42 USC 300f).

Source of Revenue – The revenues of the system, including accounts receivable and the proceeds that are sufficient to repay the principal and interest on the loan.

Subagreement – A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete the project for which a loan was provided, including contracts for personal and professional services and purchase orders.

Treatment Technique Requirement – An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

Useful Life – The estimated period during which a public water supply facility is intended to be operable.

USEPA – The United States Environmental Protection Agency.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.140 Incorporations by Reference**EMERGENCY**

- a) The following [California State University Sacramento School of Engineering](#)

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publications are incorporated by reference:

- ~~1)~~ ~~American Institute of Certified Public Accountants Professional Standards (1996), 666 Fifth Avenue, New York, New York 10019.~~
- ~~2)~~ ~~California State University, Sacramento, School of Engineering:~~
- 1A) Small Water System Operation and Maintenance, Third Edition, 1995;
- 2B) Water Distribution System Operation and Maintenance, Third Edition, 1996;
- 3C) Water Treatment Plant Operation, Volume I, Third Edition, 1996 and Volume II, Second Edition, 1995.

- b) This Part 662 incorporates no future editions or amendments.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART B: FEDERAL REQUIREMENTS FOR
THE PUBLIC WATER SUPPLY LOAN PROGRAM

Section 662.210 Uses of the Public Water Supply Loan Program

EMERGENCY

- a) *To accept and retain funds from grant awards, appropriations, transfers and payments of interest and principal;*
- b) *To make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of public water supplies and projects that fulfill the federal State Revolving Fund grant requirements for a green project reserve;*
- c) *With respect to funds provided under the American Recovery and Reinvestment Act of 2009, to make direct loans at or below interest rates to any eligible local government unit or to any eligible privately owned community water supply, and*

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to provide additional subsidization to any eligible local government unit or to any eligible privately owned community water supply, including, but not limited to, forgiveness of principal, negative interest rates, and grants;

- d) *With respect to funds provided under the American Recovery and Reinvestment Act of 2009, to buy or refinance the debt obligation of a local government unit for costs incurred on or after October 1, 2008;*
- e) *With respect to the funds provided under the American Recovery and Reinvestment Act of 2009, to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants for a local government unit for costs incurred on or after October 1, 2008;*
- f) *To make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to buy or refinance debt obligations for costs of a local government unit incurred on or after July 17, 1997, for construction of water supplies and projects that fulfill federal State Revolving Fund grant requirements for a green project reserve;*
- g) *To guarantee local obligations where such action would improve credit market access or reduce interest rates;*
- h) *As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State, if the proceeds of such bonds will be deposited in the PWSLP;*
- i) *To transfer funds to the Water Pollution Control Loan Program. [415 ILCS 5/19.3(d)]*

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.220 Agency Responsibilities Under the Federal Safe Drinking Water Act
EMERGENCY

The Agency will prepare an Intended Use Plan (IUP) and negotiate an Operating Agreement with USEPA, which will be the basis for the Capitalization Grant Agreement. These documents

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establish the procedures, activities and assurances for operation of the PWSLP, including but not limited to the following:

- a) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA;
- b) [In satisfaction of the requirements of the Capitalization Grant Agreement, A 20%](#) State match will be deposited into the PWSLP according to an agreed upon schedule;
- c) A listing and description of projects on the Project Priority List to be provided financial assistance, the terms of financial assistance and the size of the community served;
- d) The loan repayment period cannot exceed 20 years beyond the earlier of the initiation of operation date or the initiation of the loan repayment period;
- e) All repayments of loan principal and interest ~~shall~~[must](#) be deposited into the PWSLP;
- f) Biennial reporting to the USEPA on the Agency's activities under the federal Safe Drinking Water Act;
- g) A description of the criteria and methods used for distribution of funds; and
- h) A description of the financial status of the PWSLP.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

[Section 662.230 Green Project Reserve](#)
[EMERGENCY](#)

[To the extent there are sufficient eligible project applications, amounts as required by the terms of the Capitalization Grant Agreement, shall be for projects to address green infrastructure, water and energy efficiency improvements and environmentally innovative activities.](#)

[AGENCY NOTE: Loan applicants and other interested parties may obtain additional information on current Green Project Reserve amounts and guidance by accessing the Agency's](#)

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website at: <http://www.epa.state.il.us/water/financial-assistance/> or by telephone at 217/782-2027.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.240 Principal Forgiveness
EMERGENCY

All financial assistance from the PWSLP shall be in the form of low interest loans, with principal forgiveness terms used and applied as necessary to meet specific requirements of the federal Capitalization Grant Agreement. The availability, amounts, limitations and method of distribution for any principal forgiveness of the loan amount shall be determined by the Director of the Agency based upon USEPA requirements and the terms of the Capitalization Grant Agreement, economic conditions, status of the Fund and other relevant criteria.

AGENCY NOTE: Loan applicants and other interested parties may obtain additional information on current principal forgiveness terms by accessing the Agency's website at: <http://www.epa.state.il.us/water/financial-assistance/> or by telephone at 217/782-2027.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH LOAN PROCEDURES

Section 662.340 Waiver of Procedures
EMERGENCY

- a) Except as provided in subsection (b) of this Section or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan applicant, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the PWSLP. The waiver may be subject to such additional conditions the Director deems necessary.
- b) The following procedures will not be waived:

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- 1) Section 662.410 (Project Priority Determination) of this Part
- 2) Section 662.440 (Fixed Loan Rate) of this Part
- 3) Section 662.510 (Loan Applicant's Responsibilities During Project Planning) of this Part
- 4) Section 662.520 (State Environmental Review) of this Part
- 5) Section 662.620(d)(3) (Wage Provisions) of this Part
- 6) Section 662.620(d)(4) (Disadvantaged Business Enterprise Requirements) of this Part
- 7) Section 662.620(d)(5) (Debarment and Suspension Certification) of this Part
- 8) Section 662.630(a)(1) (Disadvantaged Business Enterprise Requirements) of this Part
- 9) Section 662.630(a)(4) (Debarment and Suspension Certification) of this Part
- 10) Section 662.740 (Operation and Maintenance of the Project) of this Part
- 11) Section 662.910 (Operation, Maintenance and Replacement Revenue System) of this Part
- 12) Section 662.930 (Dedicated Source of Revenue for Units of Local Government) of this Part
- 13) Section 662.935 (Source of Revenue and Security for Privately Owned Community Water Supplies) of this Part.

c) [Notwithstanding subsections \(b\)\(10\) and \(b\)\(11\), Sections 662.740 and 662.910 of this Part can be waived for projects that fulfill federal State Revolving Fund grant requirements for the green project reserve.](#)

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section 662.410 Project Priority Determination**EMERGENCY**

- a) Financial assistance from the PWSLP will be provided ~~only to local government units and eligible privately owned community water supplies~~ for projects on the Project Priority List developed by the Agency pursuant to 35 Ill. Adm. Code 663.
- b) The Project Priority List sets out the priority for receipt of loans for each loan applicant. Priorities will be established in accordance with 35 Ill. Adm. Code 663 after the receipt by the Agency of both loan pre-applications pursuant to Section 662.420 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded) of this Part and approved Project Planning pursuant to Section 662.510 (Loan Applicant's Responsibilities During Project Planning) and Section 662.520 (State Environmental Review) of this Part. For a project represented by loan pre-applications only, the Agency will provide limited priority scoring for inclusion of the project on the Project Priority List.
- c) Projects included on the Intended Use Plan will be selected from projects on the Project Priority List in priority order, provided the project has an approved Project Plan and is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.
- d) **Cash Flow Demand Funding**
The available funds for a project may be decreased by the Agency to reflect the amount of funds needed to meet cash flow demands for that project during the current funding cycle or to accommodate the funding constraints of the PWSLP. Projects that receive adjustments to meet cash flow demands or to accommodate the funding constraints of the PWSLP may be afforded an opportunity for additional funding in future funding cycles as funds become available under the terms and interest rate available in that funding cycle.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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Section 662.420 Pre-Applications for Financial Assistance and Identification of Projects to be Funded**EMERGENCY**

- a) Every loan applicant shall submit to the Agency a signed and dated pre-application form that includes at a minimum the following items:
 - 1) Legal name of applicant and eligibility status;
 - 2) Address;
 - 3) Authorized representative-name and title;
 - 4) Reason for project;
 - 5) Number of billed customers;
 - 6) Project description;
 - 7) Cost estimate; and
 - 8) Project schedule.
- b) Loan applicants seeking financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually by the preceding March 31 to qualify for possible inclusion in the Intended Use Plan.
- c) A project with approved project planning may be added to the Project Priority List at any time by the submission of a pre-application.
- d) The Agency shall publish a list of the projects which are proposed for funding ~~during the next federal fiscal year~~. These projects will be included in the Intended Use Plan.
- e) After January 1 of each year, the Agency may bypass projects on the Intended Use Plan that cannot meet the schedule to initiate construction by March 31 of that year. The Agency will evaluate projects in priority order and may offer loan commitments to other projects on the Project Priority List in accordance with Section 662.430 (Financial Assistance Application and Approval) of this Subpart.

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.430 Financial Assistance Application and Approval**EMERGENCY**

- a) In order to issue a loan commitment letter, the Agency must have received the following documents:
 - 1) A completed Loan Application Form for financial assistance (Appendix B, Exhibit A), which will necessarily include the following certifications and authorizations with regard to the proposed project:
 - A) Loan Program Certifications;
 - B) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
 - C) Certification of Intent Regarding National Flood Insurance;
 - D) Certification Regarding Project Site, Rights-of-Way, Easements and Permits; and
 - E) Authorization of a Representative to Sign Loan Documents.
 - 2) An approved project plan in accordance with Section 662.510 (Loan Applicant's Responsibilities During Project Planning) of this Part;
 - 3) A completed Financial Information Checklist (Appendix B, Exhibit B), which will necessarily address the following requirements:
 - A) An enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency;
 - B) Proof of publication of the ordinance and any notice required by State statute, where applicable;

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- C) Where applicable, an approved operation, maintenance and replacement revenue system in accordance with Section 662.910 (Operation, Maintenance and Replacement Revenue System) of this Part;
- D) Documentation to support the loan applicant's ability to repay the loan in accordance with Sections 662.620 (Financial Capability), 662.930 (Dedicated Source of Revenue for Local Government Units) and 662.935 (Source of Revenue and Security for Privately Owned Community Water Supplies) of this Part;
- E) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absences of conflicts with other agreements, bonds or ordinances; and
- F) A Tax Exemption Certificate and Agreement.

AGENCY NOTE: Guidance for loan applicants on the satisfaction of financial requirements detailed in subsection (a)(3)(A through F) is provided in Appendix B, Exhibit B.

- 4) Design documents, including plans and specifications, with a construction permit or "authorization to construct" from the Agency, pursuant to the provisions of Sections 14 through 17 or Sections 39 and 40 of the Environmental Protection Act [415 ILCS 5/14 through 17, 39 and 40], whichever is applicable;
- 5) A project completion schedule;
- 6) Where necessary, an executed inter-governmental agreement necessary for project implementation;
- 7) An executed contract for design and construction related work in accordance with Section 662.630 (Contracts for Personal and Professional Services) of this Part if financing is being requested for these specific costs;
- 8) An EPA Form 4700-4, Compliance Report; and

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- 9) Any other executed legal agreements necessary for project implementation.
- b) In addition to the items identified in subsection (a), the Agency must have received a completed Bid Certification Forms (Appendix B, Exhibit C) and all other relevant attachments before it will issue the Loan Agreement. Key elements of the bid package that are required by the Bid Certifications Form (Appendix B, Exhibit C) include the following items:
- 1) A certified copy of the published bid advertisement or advertisements;
 - 2) The bid tabulations and selected bidder's proposal, along with a summary of any addenda issued by the loan applicant, if applicable;
 - 3) An analysis of the bids and recommendations for the award of the bids;
 - 4) The notice of the applicant's intent to award;
 - 5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33; and
 - 6) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents as required by State and federal law.
- AGENCY NOTE: Guidance for loan applicants on the satisfaction of disadvantaged business enterprise requirements detailed in subsection (b)(5) can be found on the Agency's website at:
<http://www.epa.state.il.us/water/forms.html#financial-assistance>.
- a) In order to issue a loan commitment letter, the Agency must have received the following documents:
- 1) A completed loan application form for financial assistance providing at a minimum the following items:
 - A) Legal name of applicant;

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- B) ~~Address;~~
 - C) ~~Authorized representative name and title;~~
 - D) ~~Cost estimate;~~
 - E) ~~Amount requested for loan; and~~
 - F) ~~Verification and signature;~~
- 2) ~~An approved project plan in accordance with Section 662.510 (Loan Applicant's Responsibilities During Project Planning) of this Part;~~
- 3) ~~A Loan Program Certifications form that includes at a minimum the following:~~
- A) ~~The loan applicant must agree to pay all project costs not covered by the loan;~~
 - B) ~~The loan applicant must certify that it has analyzed the costs and the financial impacts of the proposed project and that it has the financial capability to repay the loan as well as the technical and managerial capacity to maintain compliance with the Safe Drinking Water Act;~~
 - C) ~~The loan applicant must certify that it is not aware of any unlawful or corrupt practices having taken place in the planning or design of the proposed project;~~
 - D) ~~The loan applicant must certify that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project;~~
 - E) ~~The loan applicant must certify that it is not barred from being awarded a contract or subcontract under the Illinois Procurement Code [30 ILCS 500]; and~~
 - F) ~~The loan applicant must provide its correct Federal Taxpayer~~

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~~Identification Number and certify that it is authorized to do business in the State of Illinois;~~

- ~~4) A "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C);~~
- ~~5) An executed inter-governmental agreement necessary for project implementation, where necessary;~~
- ~~6) A resolution, ordinance, or legal document authorizing a representative of the loan applicant to sign loan application documents;~~
- ~~7) A certification of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (42 USC 4601) must be submitted by loan applicants that are local government units;~~
- ~~8) A certification that the necessary project site, rights-of-way, easements and permits have been obtained;~~
- ~~9) A resolution of intent to comply with the National Flood Insurance Act of 1968 (42 USC 4001-4127) in accordance with Section 662.940 (Floodplain Insurance) of this Part;~~
- ~~10) An approved operation, maintenance and replacement revenue system in accordance with Section 662.910 (Operation, Maintenance and Replacement Revenue System) of this Part;~~
- ~~11) Documentation to support the loan applicant's ability to repay the loan in accordance with Section 662.930 (Dedicated Source of Revenue For Local Government Units) of this Part or Section 662.935 (Source of Revenue and Security for Privately Owned Community Water Supplies) of this Part;~~
- ~~12) The construction drawings and specifications, suitable for bidding purposes;~~
- ~~13) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of Sections 14~~

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~~through 17 or Sections 39 and 40 of the Environmental Protection Act [415 ILCS 5/14 through 17, 39 and 40], whichever is applicable;~~

- 14) ~~A project completion schedule;~~
 - 15) ~~An executed contract for design and construction related work in accordance with Section 662.630 (Contracts for Personal and Professional Services) of this Part;~~
 - 16) ~~An EPA Form 4700-4 – Compliance Report;~~
 - 17) ~~An enacted ordinance or other legally binding instrument authorizing the bonds, notes, security agreements or other evidence of indebtedness to be delivered to the Agency;~~
 - 18) ~~Proof of publication of the ordinance and any notice required by State statute, where applicable;~~
 - 19) ~~A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, notes, bonds or ordinances; and~~
 - 20) ~~Any other executed legal agreements necessary for project implementation.~~
- b) ~~In addition to the items identified in subsection (a) of this Section, the Agency must have received the following items before it will issue the actual Loan Agreement:~~
- 1) ~~A certified copy of the published bid advertisement(s);~~
 - 2) ~~Any addenda issued by the loan applicant, if applicable;~~
 - 3) ~~The bidder's bid bond or cashier's check for not less than 5% of the total bid;~~
 - 4) ~~The low bidder's certificate of nonsegregated facilities showing compliance with 18 USC 1001;~~

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- 5) ~~A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~
- 6) ~~The submittal of bid tabulations;~~
- 7) ~~An analysis of the bids and recommendations for the award of the bids;~~
- 8) ~~A copy of the successful bid proposal(s);~~
- 9) ~~The notice of the applicant's intent to award;~~
- 10) ~~A "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C) is required from the prime contractor and the engineer; and~~
- 11) ~~A certification regarding compliance with Section 33E of the Illinois Criminal Code of 1961 [720 ILCS 5/33E].~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.440 Fixed Loan Rate**EMERGENCY**

- a) The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a PWSLP~~a public water supply facilities~~ loan shall be a simple annual rate at one-half the market interest rate, ~~but not less than 2.50%.~~
- b) ~~Notwithstanding subsection (a), for the period of time that funds from the ARRA are available for loan commitment, the fixed loan rate charged for all loans from the PWSLP shall be a simple annual rate of 0.00%.~~
- b) Notwithstanding subsection (a), for federal fiscal years 2010 and 2011, extending through and including September 30, 2011, the fixed loan rate charged for all loans from the PWSLP shall be a simple annual rate of 1.25%.

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.450 Refinancing**EMERGENCY**

- a) Design costs set forth in Section 662.460 (Limitation on Design Cost) of this Subpart, and bidding costs related to eligible construction contracts incurred prior to the award of the loan agreement, are eligible for refinancing.
- b) Costs under a construction contract executed prior to the award of the loan agreement shall be eligible for refinancing only when the following conditions apply:
 - 1) The project is necessary to correct a health hazard determination, or the project is under an enforceable order to correct maximum contaminant level or treatment technique requirement violations, or project costs are associated with drilling and testing wells for source water quantity and quality; and
 - 2) The project costs in subsection (b)(1) were incurred and construction was initiated after July 17, 1997; and
 - 3) The loan applicant has received written approval from the Agency prior to the award of the construction contract.
- c) Project costs refinanced shall receive the terms and interest rate available for the federal fiscal year that the loan agreement is issued.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.470 Limitation on Loan ~~Assistance~~Amount**EMERGENCY**

- a) For each of federal fiscal years 2010 and 2011 extending through and including September 30, 2011, the amount of financial assistance from the PWSLP to a loan applicant cannot exceed total eligible project costs or \$10,000,000, whichever is

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less. Loan applicants with multiple projects will be limited by the aggregate amount of their projects in relation to these limitations.

- b) For federal fiscal years 2012 and beyond, the Director of the Agency shall establish the annual limitations on loan assistance prior to the beginning of each federal fiscal year.

~~The annual loan amount available to a loan recipient cannot exceed 25% of monies available for loans, unless the amount required for projects with approvable loan applications is less than the available funds for that fiscal year.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART E: PROJECT PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section 662.510 Loan Applicant's Responsibilities During Project Planning**EMERGENCY**

- a) The loan applicant shall provide project planning, which shall consist of plans and studies that are directly related to the construction of public water supply facilities and/or other facilities that fulfill federal State Revolving Fund grant requirements for the green project reserve, to maintain compliance with applicable State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle F and the federal Safe Drinking Water Act, while recognizing social, environmental, and economic conditions. The planning shall provide documentation on the need for the facilities for which loan assistance is being requested.
- a) The loan applicant shall:
- 1) ~~Undertake and complete project planning, which shall consist of plans and studies that are directly related to the construction of public water supply facilities, to maintain compliance with applicable State and federal requirements as specified in 35 Ill. Adm. Code, Subtitle F and the federal Safe Drinking Water Act;~~
 - 2) ~~Demonstrate to the Agency through its plans and studies the need for the facilities for which loan assistance is being requested; and~~

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- 3) ~~Demonstrate by a systematic evaluation of feasible alternatives that the proposed facilities represent the cost-effective means of meeting applicable drinking water standards and goals, recognizing environmental and social conditions as set forth below.~~
- b) If any information required to be furnished as part of a project plan has been developed separately, it shall be furnished and incorporated by reference into the project plan. Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable.
- c) The project plan shall be submitted to the Agency for approval. Where applicable, the applicant shall also submit drafts of any legally enforceable agreements or demonstrations of legal authority necessary to plan implementation.
- d) The project plan may include more than one construction project and may provide the basis for several subsequent projects. The Agency shall review any project plan that has previously served as the basis for a loan, to determine if changes have occurred that require amendment of the plan for the subsequent project. If substantial changes have occurred that warrant revision or amendment of the plan as specified in Section 662.520 of this Subpart, the loan applicant shall revise or amend and resubmit it for Agency approval in accordance with Section 662.520(a) and (b).
- e) A project plan shall include the following elements in sufficient detail to, at minimum, comply with all applicable construction permit supporting data requirements of 35 Ill. Adm. Code 652.104:
- 1) A complete description of the public water supply system or other system of which the proposed project is a part, identification of any existing violations of federal or State public water supply regulations, and identification of the needs to be addressed by the proposed project.
 - 2) A discussion of the technical, financial, ~~and~~ managerial and environmental considerations that form the basis for the applicant's selection of the recommended project cost-effective project from the range of alternatives available and considered. When appropriate to the project scope, the following issues must be addressed:

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- A) The relationship of the nature, size and capacity ~~the selected of each~~ alternative to the needs to be served, including reserve capacity;
 - B) A discussion of the operational requirements of ~~the selected each~~ alternative and provisions for disposal of waste by-products in accordance with State requirements;
 - ~~C) An assessment of the capability of each alternative to maintain compliance with drinking water standards;~~
 - ~~CD) An inventory of the relative environmental impacts of the selected of each~~ alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; ~~and~~
 - ~~DE) Adequate basis of design information for the selected each~~ alternative to confirm the reasonability of cost estimates;
 - ~~F) A comparison of costs for each alternative, including both capital and operational costs over the design life of the facilities.~~
- 3) A detailed description of the alternative selected for loan assistance, including preliminary engineering data, complete cost estimates for design and ~~construction, one or more 8.5 by 11 inch sites maps locating areas of construction and/or indirect impacts~~ ~~building~~, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate the project proposed will be designed in accordance with 35 Ill. Adm. Code 651 through 654.
 - 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies, including, at a minimum, comments from the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources.
 - 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for operating the facility and repayment of the proposed loan amount, as well as the impact of these costs on the

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system users.

- 6) [Applicant shall supply information sufficient to support a determination as to whether the project may qualify as water efficiency, energy efficiency, green infrastructure or environmental innovation.](#)

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.520 State Environmental Review**EMERGENCY**

- a) Prior to making a final determination on the acceptability of any project plan, the Agency shall undertake an environmental review. The Agency may categorically exclude certain classes of projects from environmental review when, by virtue of their limited scope, the projects have no potential for negative environmental impacts.
- b) The Agency shall not begin its environmental review until it has determined that the project plan conforms to the requirements of Section 662.510 (Loan Applicant's Responsibilities During Project Planning) of this Subpart, and that, based on the information available, all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic and cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction.
- d) For all projects requiring an environmental review, the Agency will assess the environmental impacts of the proposed project and prepare a written Preliminary Environmental Impacts Determination (PEID). The public will be given an opportunity to comment on the project plan and the Agency's environmental impacts assessment.
- e) The PEID shall be mailed to the loan applicant and other interested parties, inviting public comment. [The loan applicant shall hold a public hearing on the](#)

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~~plan and the Agency's PEID for the purpose of obtaining public comments. The public hearing shall be held within 60 days after the receipt of the Agency's PEID or within an alternative time period that is justified by the loan applicant and approved by the Agency. Within 60 days after receipt of the Agency's preliminary determination, the loan applicant shall hold a public hearing on the plan and the Agency's PEID for the purpose of obtaining public comment.~~ The loan applicant shall allow an additional ~~10~~15 days from the date of the public hearing for the submission of written comments from the public.

- f) The time and place of the public hearing shall be conspicuously and adequately announced at least 10 days before the hearing. In addition, the Agency's PEID document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the proposed project.
- ~~g) The loan applicant shall provide written notice of the public hearing to interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials.~~
- gh) The loan applicant shall provide the Agency with an accurate summary of all public comments received, together with any proposed amendments to the plan made in response to these comments.
- hi) Upon receipt of this public hearing summary and after the expiration of the ~~10~~15 day written comment period, the Agency shall issue:
- 1) An unconditional approval of the plan (original or as amended); or
 - 2) A conditional approval of the plan with special conditions; or
 - 3) A disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or
 - 4) A determination of the need for an Environmental Impact Statement (EIS) under the National Environmental Policy Act (42 USC 4332). The Agency may change its disapproval to approval or conditional approval based on the recommendations of the EIS.

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- [ij](#)) For projects categorically excluded from the environmental review process, the Agency shall provide to the applicant a Notice of Intent to Issue a Categorical Exclusion. The applicant shall publish the [Agency Notice of Intent](#) in a newspaper of local record, [and provide public access to the planning documents and the Agency Notice of Intent and allow 10 days for written public comment and allow 15 days for public comment](#). If no valid objection is raised to the Categorical Exclusion, the Agency shall issue an unconditional approval of the project plan. Should valid concerns be raised over potential environmental impacts, the Agency shall proceed with an environmental review under this Section 662.520 or issue a conditional approval where the applicant incorporates mitigative measures that would clearly resolve the environmental concerns.
- [jk](#)) Agency approval of a project plan shall be valid for purposes of loan funding for a period of 5 years, after which time the plan must be updated and resubmitted to the Agency for review and approval. The Agency shall prepare a revised environmental review and provide an opportunity for public comment.
- [kl](#)) At any time within 5 years from the date of project plan approval, the Agency may rescind its approval and require the planning to be amended, if there are changes to the scope of proposed construction or significant alterations to planning area conditions or underlying assumptions that might alter previous conclusions regarding environmental impacts or [cost analyses](#)~~cost-effectiveness~~. For projects where the amended planning would result in substantial changes in environmental or economic impacts, the Agency may require public comment prior to granting approval of the amended plan.
- [lm](#)) Additions to the project scope or changes to the location of proposed construction activity shall require an amendment to an approved project plan. Where the Agency determines that the proposed changes will not alter the previous environmental impacts findings, it will approve planning amendments by letter. In other cases, additional environmental review and public comment may be required.
- [mn](#)) Agency project planning determinations made in accordance with [subsection \(h\) and \(i\)](#) shall be subject to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 662.610 Requirements for Subagreements**EMERGENCY**

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the PWSLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under PWSLP loans.
- b) **Profits**
Only fair and reasonable profits may be earned by contractors in subagreements under PWSLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 662.620 (Construction Contracts) of this Subpart is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.
- c) **Loan Recipient Responsibility**
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which PWSLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. Such an individual or firm shall be deemed the loan recipient's agent, and shall be subject to all the provisions of the loan agreement, including this Part 662, that apply to the loan recipient.

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- d) Privity of Contract
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), or to any solicitation or request for proposals thereunder.
- e) Subagreements shall:
- 1) Be directly related to the accomplishment of the loan recipient's approved work program;
 - 2) Be in the form of an executed written agreement (except for small purchases of \$25,000 or less);
 - 3) Be for monetary or in-kind consideration; and
 - 4) Not be in the nature of a grant or gift.
- f) Documentation
- 1) Procurement records and files for purchases in excess of \$25,000 shall include the following:
 - A) The basis for contractor selection;
 - B) The justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
 - C) The basis for award cost or price.
 - 2) Procurement documentation as described in subsection (f)(1) shall be retained by the loan recipient or contractor(s) for the period required by Section 662.820 (Audit and Records) of this Part.
- g) Subagreements shall only be awarded to persons or organizations that:
- 1) Have adequate financial resources for performance;
 - 2) Have the necessary experience, organization, technical qualifications, and

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facilities, or a firm commitment, arrangement, or ability to obtain these requirements;

- 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
 - 4) Have a satisfactory record of integrity, judgment and performance;
 - 5) Have an adequate financial management system and audit procedure which is consistent with [auditing standards generally accepted in the United States of America](#)~~generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards~~;
 - 6) Maintain a standard of procurement in accordance with this Part 662;
 - 7) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
 - 8) Conform to the civil rights, equal employment opportunity (Appendix A, Exhibit D) and labor law requirements of this Part 662.
- h) Fraud and Other Unlawful or Corrupt Practices
- 1) The obtaining and administration of loans from the PWSLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
 - 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices that are brought to its attention. The loan recipient shall advise the Agency immediately when any such allegation or evidence comes to its attention, and shall periodically advise the Agency of the status and ultimate disposition of any matter.

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- i) Negotiation of Subagreements
All subagreements greater than \$25,000 shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:
- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement); or
 - 2) The materials or services to be procured are available from only one person or firm; or
 - 3) The procurement is for personal or professional services, or for any services to be rendered by an educational institution; or
 - 4) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
 - 5) The procurement is for material or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.620 Construction Contracts**EMERGENCY**

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

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- a) The contract documents to be submitted to the Agency shall require a bid bond or cashier's check for not less than 5% of the bid amount, executed contract, performance and payment bonds for the bid amount, certificate of insurance with loan recipient added as additional insured and the notice to proceed.
- b) Each contract shall be awarded after formal advertising, unless negotiation is permitted under Section 662.610(i) (Negotiation of Subagreements) of this Subpart. Formal advertising shall be in accordance with the following:
 - 1) Evidence of advertising
The loan recipient shall submit to the Agency a certified copy of the bid advertisement which notifies the bidders that the procurement will be subject to regulations contained in the procedures for issuing loans from the PWSLP as set out in this Part 662, the [Davis-Bacon Act \(40 USC 276a through 276a-5\)](#) as defined by the U.S. Department of Labor [Prevailing Wage Act \[820 ILCS 130\]](#), the Employment of Illinois Workers on Public Works Act [30 ILCS 570], and Executive Order No. 11246, as amended (Appendix A, Exhibit D).
 - 2) Adequate bidding documents
Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a timely manner. A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying by any party. The bidding documents shall include:
 - A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (Drawings and specifications may be made available for inspection instead of being furnished.);
 - B) The terms and conditions of the contract to be awarded;
 - C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
 - D) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that

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neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;

- E) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan applicant;
- F) A copy of subsections (b)(2)(G) and (H) shall be included in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid;
- G) By submission of the bid each bidder certifies, and in the case of a joint bid each party thereto certifies as to his or her own organization, that in connection with the bid:
 - i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;
 - ii) Unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
 - iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E of the Illinois Criminal Code of 1961 [720 ILCS 5/33E].
- H) Each person signing the bid shall certify that:
 - i) He or she is the person in the bidder's organization responsible for the decision as to the prices being bid and

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that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(G); or

- ii) He or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that such persons have not participated, and will not participate, in any action contrary to subsection (b)(2)(G), and as their agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (b)(2)(G).
- 3) Addenda to bidding documents
If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, it shall send written addenda to all firms who have obtained bidding documents, in time to be considered prior to the bid opening time. When appropriate, the period for submission of bids shall be extended. All addenda to the bidding documents should be submitted to the Agency for approval prior to the bid opening.
- 4) Award to the low, responsive, responsible bidder
- A) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award and the loan applicant's letter of intent to award or the official minutes of board approval.
 - B) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan applicant.
 - C) If the award is intended to be made to a firm which did not submit the lowest bid, prior to any award, the loan applicant shall submit

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to the Agency a written statement, explaining why each lower bidder was deemed not responsive or not responsible.

- c) Negotiations of Contract Amendments (Change Orders)
- 1) Loan recipient responsibility
The loan recipient shall be responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:
 - A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;
 - B) Assure that the contractor demonstrates that he or she will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and
 - C) Maintain a summary of all negotiations and the engineer's independent cost estimate.
 - 2) Changes in contract price or time
The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c).
 - 3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.
 - 4) Agency review
For each change order, the loan recipient shall submit to the Agency for approval the following documentation:
 - A) A description of the changed work;
 - B) The contractor's proposal itemizing the cost and time to complete the changed work;

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- C) The recipient's or engineer's estimate of the cost and time to complete the changes;
 - D) Two copies of the executed change order with justification including, but not limited to, the need for the proposed work and the technical solution; and
 - E) The summary of negotiations and resolution between the engineer's independent cost estimate and the contractor's proposal.
- d) Required Construction Contract Provisions
Each construction contract shall include the following provisions:
- 1) Audit; access to records
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work [in accordance with Generally Accepted Accounting Principles consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards](#). The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c), (Negotiation of Contract Amendments (Change Orders)) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, documents, and other evidence for purposes of inspection, audit, and copying. The contractor shall provide facilities for access and inspection.
 - B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as specified in subsection (d)(1)(A) for all negotiated change orders and contract amendments in excess of \$25,000 that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records as specified above in all his or her contracts and all tier subcontracts or change orders in excess of

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\$25,000 that are directly related to project performance.

- C) Audits shall be in accordance with auditing standards generally accepted in the United States of America~~consistent with generally accepted auditing standards in accordance with the American Institute of Certified Public Accountants Professional Standards.~~
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A). Where the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (d)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken, shall be maintained and made available for 3 years after resolution of such dispute, appeal, litigation, claim, or exception.
- F) The right of access will generally be exercised with respect to financial records under:
- i) Negotiated prime contracts;
 - ii) Negotiated change orders or contract amendments in excess of \$25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - iii) Subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after

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effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:

- i) With respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
 - ii) If there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.
- 2) **Covenant against contingent fees**

The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
 - 3) **Wage provisions**

The contractor shall pay prevailing wages in accordance with the [Davis-Bacon Act \(40 USC 276a through 276a-5\)](#) as defined by the U.S. Department of Labor ~~Illinois Prevailing Wage Act [820 ILCS 130]~~.
 - 4) **Disadvantaged business enterprise requirements**

The contractor shall provide evidence, including but not limited to a copy of the advertisement(s) and the record of negotiation that it has taken affirmative steps in accordance with 40 CFR 33, to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction and services consistent with the provisions of the Agency's Operating Agreement with USEPA.
 - 5) **Debarment and suspension provisions**

The contract shall require the successful bidder(s) to submit a "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C).

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- 6) Nonsegregated facilities provisions
The successful bidder shall be required to submit a certification of nonsegregated facilities as prescribed in 18 USC 1001.
- e) Subcontracts under Construction Contracts
The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with the following:
 - 1) All applicable provisions of federal, State and local law;
 - 2) All provisions of this Part 662 regarding fraud and other unlawful or corrupt practices;
 - 3) All provisions of this Part 662 with respect to access to facilities, records and audit of records.
 - 4) All provisions of subsection (d)(5) that require a "Certification Regarding Debarment, Suspension and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C).
- f) Contractor Bankruptcy
In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.630 Contracts for Personal and Professional Services**EMERGENCY**

All subagreements for personal and professional services for design or construction expected to exceed \$25,000 in the aggregate shall include the following subagreement provisions:

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- a) Subagreements for personal and professional construction services shall include:
- 1) Evidence, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with 40 CFR 33, that affirmative steps have been taken to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA;
 - 2) An audit and access to records clause that provides as follows:
 - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$25,000.
 - B) Books, records, documents and other evidence directly pertinent to performance of PWSLP loan work under this agreement shall be maintained in accordance with Generally Accepted Accounting Principles consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards. ~~in accordance with the American Institute of Certified Public Accountants Professional Standards~~. The Agency or any of its authorized representatives shall have access to the books, records, documents and other evidence for the purpose of inspection, audit and copying. Facilities shall be provided for access and inspection.
 - C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States of America. ~~generally accepted auditing standards~~.
 - D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
 - E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this

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agreement and for three years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 662.650 (Disputes) of this Subpart or litigation or the settlement of claims arising out of project performance or costs or items to which an audit exception has been taken, shall be maintained and made available for three years after the resolution of the appeal, litigation, claim or exception;

- 3) A "covenant against contingent fees" clause as follows:
"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee";
 - 4) A "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) showing compliance with federal Executive Order 12549 (Appendix A, Exhibit C);
 - 5) A description of the scope and extent of the project work;
 - 6) The schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks; and
 - 7) A method of compensation.
- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
 - c) If, at the time of contract execution, any of the elements required in this Section 662.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS,
AUDITING AND RECORDS**Section 662.820 Audit and Records****EMERGENCY**

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with Generally Accepted Accounting Principles and accounting procedures and practices consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards.
- b) For purposes of this Section 662.820 "records" shall include, but not be limited to:
 - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and
 - 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient's facilities, or any facilities engaged in the performance of the PWSLP loan project, and the loan recipient's records shall be subject to inspection and audit by the Agency or its authorized representative, at the times specified in Section 662.810 (Access) of this Subpart.
- d) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
 - 1) For all costs associated with design and construction, for 3 years after final loan closing;
 - 2) For all other accounting records concerning the loan, for 3 years from the date of the transaction; and

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- 3) For any longer period required by law or by subsections (e) and (f).
- e) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- f) Records that relate to appeals under the "Disputes" clause, litigation or the settlement of claims arising out of the performance of the PWSLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- g) Failure of the loan recipient or its contractors or subcontractors to make records available to the Agency as required by Section 662.810 (Access) of this Subpart after 10 days written notice shall be cause for termination of the loan pursuant to Section 662.330 (Termination) of this Part and for refund to the State of Illinois for deposit into the PWSLP of any unexpended loan funds. In addition, any loan recipient, contractor or subcontractor found in noncompliance with this Section 662.820 shall repay any loan funds previously spent.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART I: FINANCIAL AND MANAGERIAL CAPACITY

Section 662.910 Operation, Maintenance and Replacement Revenue System**EMERGENCY**

- a) In order for the loan agreement to be issued, the Agency must have approved the loan applicant's source of revenue for operation, maintenance, and replacement (O,M&R) costs. The source of revenue must be enacted and enforceable, if appropriate, before the first loan disbursement can be made.
- b) The Agency shall approve the O,M&R revenue system in accordance with the following criteria:
 - 1) For the first year of operation of new facilities, operation, maintenance and replacement costs shall be based upon past experience or some other rational method that can be demonstrated to be applicable.

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- 2) The loan recipient shall review annually and revise periodically the revenue source to reflect actual water works operation, maintenance, and replacement costs. The Agency may request a report on the status of the projected costs, actual costs, revenue generated and fund balances at any time.
 - 3) The revenue source shall generate sufficient revenue to offset the cost ~~for all water works~~ operation, maintenance and replacement required to be provided by the loan recipient for all water supplies or facilities as authorized under this Part.
 - 4) If the project is for a regional community water supply facility that distributes water to other public water supplies, appropriate municipal ordinances, intergovernmental or service agreements or other appropriate authorizations must be submitted.
- c) Upon approval of a loan recipient's O, M & R revenue source, the implementation and maintenance of the source shall become a condition of the loan subject to Section 662.310 (Noncompliance with Loan Procedures) of this Part.
 - d) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (b).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.920 Financial Capability**EMERGENCY**

- a) The loan applicant shall demonstrate to the Agency that it has the necessary legal, financial, managerial and technical capability to:
 - 1) Construct, operate and maintain the project for the life of the ~~facility~~public water supply facilities;
 - 2) Retire the loan, including the execution of any necessary legally

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enforceable agreements and any enactments necessary to recover adequate capital costs to repay the loan; and

- 3) Meet any covenants and requirements in the loan agreement.
- b) To demonstrate financial, managerial and technical capability, the loan applicant shall, at a minimum, show that:
- 1) It is empowered under law to own, operate and maintain ~~the facility~~^a ~~public water supply facility including the facilities~~ to be constructed under the loan;
 - 2) It has the necessary easements, titles, permits and legally enforceable agreements for loan project implementation, as identified in the project plan; and
 - 3) It has or will have the necessary qualified personnel to operate and maintain the facility.
- c) The financial capability demonstration shall be submitted to the Agency for approval and shall contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and upon request of the Agency, historical information over the past 3 years consisting of audited annual financial statements, tax returns, Illinois Commerce Commission annual reports, bond ratings, number of billed customers and tax rate levies.
- d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including but not limited to acquisition of grant funding, reduction of project costs, additional or different sources of revenues, efforts to reduce the number of delinquent billed customers and changes to existing financial practices that may threaten generation of adequate revenues.
- e) The Agency may require a loan term of less than the 20 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

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- f) The Agency may also utilize available credit reporting services.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.930 Dedicated Source of Revenue for Local Government Units**EMERGENCY**

- a) A source of revenue shall be dedicated and pledged to make the loan repayments. Prior to loan approval, the Agency shall review the proposed dedicated and pledged revenue source to assure that it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve for the revenue source shall be equivalent to those in the revenue bond ordinance. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award.
- b) The necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make the first loan disbursement.
- c) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.
- d) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The recipient shall timely notify ~~the Agency of, and submit to the Agency for approval,~~ all proposed changes to the dedicated source of revenue.
- e) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (c) of this Section that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's review will be based on, but not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue and is otherwise in accordance with this Part 662.
- f) In the event that the actual revenues fall short of the amount required to retire the

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loan, the Agency shall require the loan recipient to re-examine the dedicated revenue source and restructure it as necessary.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART J: REQUIREMENTS APPLICABLE TO LOAN DISBURSEMENTS

Section 662.1010 Determination of Allowable Costs**EMERGENCY**

The loan recipient shall be paid, upon request, in accordance with Section 662.1030 (Disbursement of Loan Funds) of this Subpart, for all costs that are within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be allowable in accordance with the following criteria:

a) Allowable Project Costs

All reasonable and necessary costs directly attributable to the design and construction of an eligible, loan assisted public water supply project, that are not excluded from loan funding by legislation or non-waivable regulations. Categories of necessary costs include, but are not limited to, the following:

- 1) The direct purchase of materials, equipment and personal services specifically necessary for the completion of a loan funded project;
- 2) Professional and consultant services contracts necessary for design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part 662;
- 3) Costs under approved construction contracts; and
- 4) Costs for premiums for required flood insurance during the project construction period.

b) Ineligible Costs

Categories of costs that are ineligible for loan assistance, and are not subject to the "reasonable and necessary" test of allowability include, but are not limited to,

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the following:

- 1) Costs for preparing a project planning document;
 - 2) Costs outside the scope of the approved project plan;
 - 3) Site acquisition, including easement compensation;
 - 4) Construction of any facilities that do not clearly fall within the definition of a community water supply facility as contained in the federal Safe Drinking Water Act [or do not qualify in meeting the federal green project reserve requirements](#);
 - 5) Costs of projects whose main purpose is fire protection or servicing future growth.
- c) Disputes Concerning Allowable Costs

The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

Section 662.1020 Use of Loan Funds and Payment of Unallowable Costs**EMERGENCY**

- a) Loan funds shall be expended solely for approved allowable costs incurred in the design and construction of the project.
- b) The loan recipient shall agree to pay the unallowable costs associated with the project, as well as all allowable costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.
- c) The loan recipient shall commit itself to complete the construction of the [project operable public water supply facilities](#).

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

SUBPART K: PROCEDURES FOR LOAN REPAYMENT
AND DELINQUENT REPAYMENT

Section 662.1110 Loan Repayment to the Agency

EMERGENCY

Loan repayment to the Agency shall be in accordance with the loan repayment provisions contained in the loan agreement.

- a) Loan repayments shall commence not later than 6 months after the initiation of the loan repayment period and shall be due semi-annually for local government units [and other loan recipients meeting the federal green project reserve requirement](#) and quarterly for privately owned community water supplies unless the Agency determines that the source of revenue justifies an alternative repayment plan.
- b) After the initiation of the loan repayment period date in the loan agreement, the Agency shall set a principal amount and give the loan recipient an interim repayment schedule.
- c) After a final cost review of the project, the Agency shall establish the final principal amount and give the loan recipient a final repayment schedule.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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Section 662.APPENDIX B Loan Application Documents

Section 662.EXHIBIT A Loan Application Form
EMERGENCY

Applicant Information

L17# _____

- 1. Legal Name of Applicant: _____
- 2. Applicant Address: _____

Project Description: _____

Federal Employer Identification Number (FEIN)*: _____

* Submit FEIN Certification (Attached)

- 3. Authorized Representative:
Name: _____ Title: _____
Phone: _____ Email: _____

- 4. Engineer:
Name: _____ Firm: _____
Address: _____ Phone: _____
_____ Email: _____

- 5. Attorney:
Name: _____ Firm: _____
Address: _____ Phone: _____
_____ Email: _____

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6. Include detailed construction cost estimate in bid format as part of this application and summarize below:

<u>Construction</u>	\$
<u>Legal/Financial</u>	\$
<u>Design Engineering</u>	\$
<u>Construction Engineering</u>	\$
<u>Other</u>	\$
<u>Contingency</u>	\$
	<hr/>
<u>Total</u>	\$

7. Amount requested for loan \$ _____

8. Loan repayment period requested (maximum term is 20 years): _____

20 Years

Other (_____ number of years)

9. List any other proposed sources of funding in addition to loan request:

Source: _____ Amount: _____

Date Available: _____

10. Project Schedule (Indicate "complete" or anticipated date of completion as appropriate)

a) Approved Project Planning: _____

b) Plans and Specifications completed and submitted to Illinois EPA: _____

c) Illinois EPA Permit issued: _____

d) Approved Operation, Maintenance and Replacement Revenue System and Dedicated Source of Revenue: _____

e) Advertise for Bids: _____

f) Initiation of Construction: _____

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g) Completion of Construction: _____

Loan Program Certifications

- Whereas, the application provisions for loans from the Public Water Supply Loan Program require that the loan applicant provide the following certifications and assurances:

The loan applicant hereby agrees to pay all project costs not covered by the loan. If the project costs provided by the applicant exceed the lesser of 5% of the total project cost or \$100,000, please provide the following information:

Amount to be provided by applicant \$ _____

Source of funds _____

- The loan applicant hereby certifies that it has analyzed the costs and the financial impacts of the proposed project and that it has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the proposed project.
- The loan applicant hereby certifies that no unlawful or corrupt practice has taken place in the planning or design of the proposed project.
- The loan applicant hereby certifies that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project.
- The loan applicant hereby certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act.

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant to the best of its knowledge and belief that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

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- b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC 1001, a false statement may result in fine of up to \$10,000 or imprisonment for up to 5 years, or both.

INTENT REGARDING NATIONAL FLOOD INSURANCE

Whereas application provisions for loans from the Public Water Supply Loan Program require compliance with the National Flood Insurance Act of 1968, as amended, and

Whereas the costs of securing and maintaining flood insurance are eligible for loan participation during the approved construction period, and

Whereas failure to secure flood insurance for eligible construction located in designated flood hazard areas will cause this construction to become ineligible for loan funds:

Now therefore, be it resolved that the _____ of _____ will cooperate and coordinate with the National Flood Insurance Program to acquire and maintain any flood insurance made available for Project L17# _____ for the entire useful life of the insurable construction pursuant to the Flood Insurance Act of 1968, as amended, and that it will secure said flood insurance for each insurable structure, as soon as said insurance is available and will notify the Illinois Environmental Protection

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Agency in writing that the National Flood Insurance requirement has been satisfied.

**CERTIFICATION REGARDING PROJECT SITE,
RIGHTS-OF-WAY, EASEMENTS, AND PERMITS**

1. The applicant has investigated and ascertained the location of the site or sites, rights-of-way, and easements being provided for the facilities in its application for loan assistance. In my opinion, the applicant has a sufficient legal interest in the said site or sites, rights-of-way, and easements to permit the building of such facilities thereon and to permit the operation and maintenance of such facilities thereon during the estimated life of the facility by the applicant after the completion of construction.
2. The loan applicant has complied with the provisions of 49 CFR 24 as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42 USC 4601 et seq.).
3. The loan applicant has obtained all the necessary permits as indicated below:

<u>Type of Permit</u>	<u>Permit Number</u>	<u>Date Issued</u>
<u>Army Corps of Eng. 404</u>	_____	_____
<u>IL Dept. of Trans.</u>	_____	_____
<u>County Highway</u>	_____	_____
<u>Other</u>	_____	_____

AUTHORIZATION OF A REPRESENTATIVE TO SIGN LOAN DOCUMENTS

Whereas, application provisions for loans from the Public Water Supply Loan Program require that the _____ of _____

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authorize a representative to sign the loan application forms and supporting documents;
therefore, be it resolved by the _____ of _____
that _____ is hereby authorized to sign all loan application
forms and documents.

I, _____ hereby verify that the above information is, to the best of my
knowledge, true and correct.

Date: _____ Signed by: _____

(Authorized Representative)

Title: _____

Attested by: _____

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TAXPAYER IDENTIFICATION NUMBER

I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).
 - *If you are an individual, enter your name and SSN as it appears on your Social Security Card.*
 - *If you are a sole proprietor, enter the owner's name on the name line followed by the name of the business and the owner's SSN or EIN.*
 - *If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's name on the name line and the d/b/a on the business name line and enter the owner's SSN or EIN.*
 - *If the LLC is a corporation or partnership, enter the entity's business name and EIN and for corporations, attach IRS acceptance letter (CP261 or CP277).*
 - *For all other entities, enter the name of the entity as used to apply for the entity's EIN and the EIN.*

Name: _____

Business Name: _____

Taxpayer Identification Number: _____

Social Security Number: _____

or

Employer Identification Number _____

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Legal Status (check one):

- | | |
|--|--|
| <input type="checkbox"/> <u>Individual</u> | <input type="checkbox"/> <u>Governmental</u> |
| <input type="checkbox"/> <u>Sole Proprietor</u> | <input type="checkbox"/> <u>Nonresident alien</u> |
| <input type="checkbox"/> <u>Partnership</u> | <input type="checkbox"/> <u>Estate or trust</u> |
| <input type="checkbox"/> <u>Legal Services Corporation</u> | <input type="checkbox"/> <u>Pharmacy (Non-Corp.)</u> |
| <input type="checkbox"/> <u>Tax-exempt</u> | <input type="checkbox"/> <u>Pharmacy/Funeral Home/Cemetery (Corp.)</u> |
| <input type="checkbox"/> <u>Corporation providing or billing
medical and/or health care services</u> | <input type="checkbox"/> <u>Limited Liability Company (select
applicable tax classification)</u> |
| <input type="checkbox"/> <u>Corporation NOT providing or bililng
medical and/or health care services</u> | <input type="checkbox"/> <u>D = disregarded entity</u> |
| | <input type="checkbox"/> <u>C = corporation</u> |
| | <input type="checkbox"/> <u>P = partnership</u> |

Signature: _____ Date: _____

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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Section 662.APPENDIX B Loan Application Documents

Section 662.EXHIBIT B Program Financial Requirements
EMERGENCY

Loan Applicant: _____

Loan Number: _____

Please answer or submit information indicated, as appropriate.

A. Dedicated Source of Revenue

1. Home Rule Non-Home Rule

2. Type of loan instrument

a. General Obligation Debt

b. Alternate (double barreled) bonds with property tax levy that pledges an alternate revenue source of _____

c. Water Sewer Combined System Revenues – Senior Lien

d. Water Sewer Combined System Revenues – Subordinate Lien

3. Authority of applicant to issue debt

a. Home rule powers

b. Specific authorizing statute: ILCS _____

c. Other (specify) _____

4. Please submit a copy of the certified ordinance authorizing the debt to be incurred, along with existing ordinances if a subordinate lien is proposed. If this is a subordinate lien, the certified ordinance authorizing debt must have provisions for equivalent accounts and coverage.

5. Please submit a signed legal opinion with respect to the validity and enforceability of the applicant's obligations (the bond ordinance) and the absence of conflicts with other agreements, bonds or ordinances.

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6. Please submit a detailed demonstration that the dedicated source of revenue will provide adequate revenues to repay the loan in accordance with the terms of the loan agreement, including meeting any covenants and requirements in the loan agreement.

Please complete **EITHER** Section B. or Section C., as appropriate:

B. Water Revenue System (complete tasks if an Agency approved water revenue system IS NOT in place)

1. Please submit a detailed Operation, Maintenance and Replacement (OM&R) budget.
2. Please provide calculations to demonstrate how the rates and surcharges are calculated. The rates should be expressed in cost per unit of usage i.e., per 1,000 gallons, per 100 cubic feet, where appropriate).
3. Please submit copies of certified water use and water rate ordinances.

C. Supplemental Review (complete tasks if an Agency approved water revenue system IS in place)

1. Please provide a statement certifying that the water use and water rate ordinances originally approved are in place and being enforced. The certification should also address the following questions:
 - a. Is an annual review of the Water Revenue System and water/other service charges being performed?
 - b. Is the Water Revenue System generating sufficient revenue to recover the Operation, Maintenance and Replacement (OM&R) Costs?
 - c. Will this project result in substantial changes to the costs for Operation, Maintenance and Replacement?

Include ordinance numbers and effective dates, and please reference any amendments made to the ordinances since their approval.

2. If the project will result in substantial changes in costs for Operation, Maintenance and Replacement, please submit a proposed budget for the first year OM&R costs and a

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review of water/other service charges, along with necessary revisions to the rate ordinance where appropriate.

D. Tax Exemption Certificate and Agreement

1. Please provide a signed copy of the Tax Exemption Certificate and Agreement. This document can be accessed on the Agency's website at: <http://www.epa.state.il.us/water/forms.html#financial-assistance> or by telephone at 217/782-2027.

2. Are other entities substantially benefiting (greater than 5%) from the project?

Yes No

Please submit copies of any applicable service agreement(s) with substantial beneficiaries.

I hereby certify that the above information is, to the best of my knowledge, true and accurate.

(Authorized Representative)

(Date)

Financial Information Requirements

Prior to the issuance of a loan agreement, the loan applicant must provide detailed and sufficient information to allow the Agency to determine that, 1) the applicant is financially capable, 2) has pledged a Dedicated Source of Revenue that is adequate to retire the debt and meet any covenants and requirements in the loan agreement, and 3) has established a Water Use and Water Revenue System, where applicable, that will generate adequate revenues to repay the loan and accommodate costs for operation, maintenance and replacement of the facilities to be constructed.

These financial information requirements can generally be accomplished by completing the Financial Information Checklist above, which will necessarily involve the enactment of an ordinance or other legal instrument authorizing the debt to be incurred, and the development and enactment of an ordinance or other legal instrument establishing a Water Use System and Water

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Revenue System, where applicable. If a Water Revenue System has been previously approved by the Agency, evidence will be required to assure that the system has been adequately maintained, is being enforced and will continue to produce adequate revenues.

This brief summary of PWSLP loan rules, Agency review procedures, and information that must be submitted for the Agency's review is being provided along with the Financial Information Checklist above to provide guidance for potential loan recipients.

Financial Capability

The Agency will require the loan applicant to demonstrate that it has the legal, financial, managerial and institutional capability to retire the loan and to construct, operate and maintain the project for the life of the facilities to be constructed. The applicant must also demonstrate the ability to meet any covenants contained in the loan agreement.

The Agency's Financial Capability review will be conducted using items submitted as part of the loan application, including our review of the Dedicated Source of Revenue and the Water Revenue System as detailed below. If the Agency is unable to make a Financial Capability determination based on the loan application, the submission of additional financial data, including audited financial statements, may be required.

Dedicated Source of Revenue

The Agency will require that a specific source(s) of revenue be dedicated and pledged to make the loan repayments. Prior to the Agency's approval of the dedicated source(s) of revenue, the applicant must demonstrate that the pledged revenue source(s) will generate adequate revenues to make loan repayments for the term of the loan. The term of the loan will be specified in the loan agreement, but shall not exceed 20 years from the initiation of operation date contained in the loan agreement. Additional points that must be considered during the development of the dedicated source of revenue are:

- The dedicated source of revenue is usually pledged by the loan applicant in the form of an adopted ordinance that pledges a specific and dedicated source of revenue for repayment of the loan. The adopted ordinance will in most cases pledge a very stable source of revenue, such as revenues of the system, in the form of a revenue bond. General obligation and alternate bond ordinances are also acceptable. The loan applicant will be responsible for

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meeting all publication requirements, including publication of the Notice of Intent to Borrow Funds and Right to File a Petition, where applicable.

- In the case of revenue bonds, the Agency will require that debt service coverage requirements for the IEPA loan be equal to any outstanding senior debt that is payable from revenues of the system, or from other revenues that are pledged for repayment of the loan. If a Water Revenue System is used, the rate ordinance and the rates must be adopted prior to first disbursement on the loan. State law requires a 1.25 x coverage test for alternate bonds, and parity revenue bonds must also meet the covenants made to outstanding investors.
- The Agency will require the loan applicant to furnish a legal opinion verifying the legality and acceptability of the ordinance and other elements of the debt instrument selected for repayment of the loan. This opinion will necessarily address the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances. Retention of bond counsel is optional.

Water Revenue System

The Agency will require the loan applicant to establish a Water Revenue System, or alternative revenue collection system that will generate adequate revenues to make loan repayments for the term of the loan and to accommodate costs for operation, maintenance and replacement of the facilities to be constructed. The establishment of a Water Revenue System is generally accomplished by the development and enactment of an ordinance establishing a Water Use and Water Revenue Rate System to govern terms and charges for use of the system. If alternative revenue sources (not system revenues) will be dedicated to the project, other appropriate legal instruments will be required to secure a revenue stream and ensure debt service on the loan.

If the applicant has a previously approved Water Revenue System, the Agency will review the system to ascertain that the system was enacted and has been maintained in accordance with the previous approval and that it will continue to produce adequate revenues for the proposed project.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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Section 662.APPENDIX B Loan Application Documents

Section 662.EXHIBIT C Bid Certifications Form
EMERGENCY

Loan Applicant: _____

Loan Number: _____

Please answer or submit information indicated, as appropriate.

1. Please submit evidence of advertising, including a certified copy of the bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the procedures for issuing loans from the PWSLP as set out in this Part 662, the Davis-Bacon Act (40 USC 276a through 276a-5) as defined by the U.S. Department of Labor, the Employment of Illinois Workers on Public Works Act [30 ILCS 570], the Disadvantaged Business Enterprise program requirements (40 CFR 33) and Executive Order 11246, as amended (Appendix A, Exhibit D) (reference Section 662.620(b)(1)).

a. The advertisement was placed in the: _____ newspaper*

* "Key" newspaper required (reference DBE Guidance at:
<http://www.epa.state.il.us/water/forms.html#financial-assistance>)

b. The advertisement was placed on: _____
(date)

c. The date of bid opening is: _____

d. Bid holding period is: _____ days

2. Please submit the bid tabulation and the selected bidder's proposal (bid form only) reflecting any addenda issued during the bidding period (reference Section 662.620(b)).

a. Number of bids received: _____

b. Low/High range for base bids: _____ to _____

c. Is the loan recipient awarding to the low responsive, responsible bidder?

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Yes No

If not, please submit justification disqualifying the apparent low bidder (reference [Section 662.620\(b\)\(4\)\(C\)](#)).

d. Are there appeals or protests? Please answer yes or no: _____

3. Please list and provide a summary of any addenda issued during the bidding period. The summary should reflect any change to major equipment or suppliers in the proposal and any alternates (deductive/additive) to be used in the project. Please include a statement that applicable addenda and alternates (deductive/additive) have been approved by the Agency's Permit Section.

4. Please submit the consultant's analysis of bids and recommendation for award (reference [Section 662.620\(b\)\(2\)\(c\)](#)).

5. Please submit the loan applicant's letter of intent to award or the official minutes of board approval for the award (reference [Section 662.620\(b\)\(4\)\(A\)](#)).

6. Please submit a summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33. Guidance for loan applicants on DBE requirements can be found on the Agency's website at <http://www.epa.state.il.us/water/forms.html#financial-assistance>. At a minimum, the loan applicant shall submit completed and signed copies of Forms 6100-3 (DBE Subcontractor Performance Form) and 6100-4 (DBE Subcontractor Utilization Form) if DBE inquiries are received on the project.

7. Bid Certifications – By submission of these bids and by certification provided hereunder, the loan applicant certifies that to the best of its knowledge and belief that it and its principals have read and understand the various requirements pertaining to bids as embodied in these loan rules and that the specific certifications detailed below are provided by submission of these bids.

8. Contractor Certifications – Completed copies of three additional certifications must be executed by the selected contractor and submitted by the loan applicant, including a Certification of Non-Segregated Facilities, a Bidder Certification in Compliance with Article 33E to the "Criminal Code of 1961" and a Certification Regarding Debarment, Suspension and Other Responsibility Matters. Forms acceptable for this purpose are provided in this package below.

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Bid Certifications

- _____ • The loan applicant hereby certifies that the bidding documents include: a complete statement of the work to be performed, including necessary drawings and a required completion schedule; the terms and conditions of the contract to be awarded; a clear explanation of the method of bidding, the method for evaluation of bid prices and the basis and method for award of the contract; a statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract; and a summary of responsibility requirements or criteria that may be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient.
- _____ • The loan applicant hereby certifies that the certifications contained in Section 662.620(b)(2)(G) and (H) are included in the proposal form to be used by bidders and shall constitute a representation and certification to be considered as a part of their bid.
- _____ • The loan applicant hereby certifies that the proposal is consistent with approved specifications in terms of quantity, description and eligibility.
- _____ • The loan applicant hereby certifies that any addenda issued during the bidding period were distributed to all prospective bidders and approved by the Agency.
- _____ • The loan applicant hereby certifies that a bid bond or cashier's check for not less than five percent (5%) of the bid amount and signed power of attorney is provided (reference Section 662.620(a)).
- _____ • The loan applicant hereby certifies that any change to major equipment or suppliers on the proposal has been approved by the Agency (Permit Section), that alternates (deductive/additive) taken have been approved by the Agency (Permit Section) and that an approved Permit # _____ is in place for the project.

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- The loan applicant hereby certifies that a list of all subcontractors being utilized on the project will be maintained in the project file and made available for inspection upon request. The subcontractors list should include a name, address and telephone number for all subcontractors being used.

I hereby certify that the above information, including all certifications provided to comply with the procedures for issuing loans from the PWSLP, is, to the best of my knowledge, true and accurate.

(Authorized Representative)

(Date)

Contractor Certifications

U.S. ENVIRONMENTAL PROTECTION AGENCY

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related subcontracts exceeding \$10,000 that are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical

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certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certification in his files.

Signature

Date

Name and Title of Signer (Please type)

Firm Name

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

Bidder Certification
In Compliance with Article 33E to the
"Criminal Code of 1961"

I, _____, do hereby certify that:

Name

1. I am _____ of the _____
Position Firm
and have authority to execute this certification on behalf of the firm.

2. This firm is not barred from bidding on this contract as a result of a violation of either Section 33E-3, Bid-rigging, or Section 33E-4, Bid Rotating, as set forth in Article 33E to the "Criminal Code of 1961".

Name of Firm

Signature

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY AMENDMENTS

Title _____

Date _____

Corporate Seal (where appropriate)

On this _____ day of _____, 20____, before me appeared _____
to me personally known, who, being

(Name)

duly sworn, did execute the foregoing affidavit, and did state that he or she was properly
authorized by _____ to execute the affidavit and did so

(Name of Firm)

as his or her free act and deed.

(Notary Public)

(Commission Expires)

Notary Seal

EPA Project Control #: _____

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant to the best of its knowledge and belief that it and its principles:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY AMENDMENTS

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC 1001, a false statement may result in fine of up to \$10,000 or imprisonment for up to 5 years, or both.

(Typed Name & Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

I am unable to certify the above statements. My explanation is attached.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days)

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 June 8, 2010 through June 14, 2010 and have been scheduled for review by the Committee at its July 13, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/22/10	<u>Illinois Violence Prevention Authority</u> , Violence Prevention Grants (89 Ill. Adm. Code 1400)	4/23/10 34 Ill. Reg. 5813	7/13/10
7/23/10	<u>Illinois Commerce Commission</u> , Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail Electric Suppliers and Utilities Operating Outside Their Service Areas (83 Ill. Adm. Code 455)	3/5/10 34 Ill. Reg. 2875	7/13/10
7/24/10	<u>Pollution Control Board</u> , Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)	4/16/10 34 Ill. Reg. 5545	7/13/10
7/25/10	<u>Illinois Emergency Management Agency</u> , Licensing Requirements for Land Disposal of Radioactive Waste (Repealer) (32 Ill. Adm. Code 601)	10/9/09 33 Ill. Reg. 13976	7/13/10
7/25/10	<u>Illinois Emergency Management Agency</u> , Licensing Requirements for a Low-Level Radioactive Waste Disposal Facility (32 Ill. Adm. Code 601)	10/9/09 33 Ill. Reg. 14006	7/13/10
7/25/10	<u>Illinois Emergency Management Agency</u> , Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation (Repealer) (32 Ill. Adm. Code 606)	10/9/09 33 Ill. Reg. 14039	7/13/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/28/10	<u>Department of Natural Resources</u> , Park and Recreational Facility Construction Act Grant Program (17 Ill. Adm. Code 3070)	4/16/10 34 Ill. Reg. 5530	7/13/10
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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

- A) Description: The Retirement System will be promulgating rules governing entry into retirement status.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of the General Counsel
P.O. Box 19253
2815 West Washington
Springfield, Illinois 62794-9253
(217) 753-0375
- G) Related rulemakings and other pertinent information: None

EXECUTIVE ORDER

2010-8
**EXECUTIVE ORDER CREATING THE OFFICE OF EARLY CHILDHOOD
DEVELOPMENT**

WHEREAS, the achievement gap that often impedes children living in poverty from attaining the same academic and life successes as their more affluent peers is persistent from birth; and

WHEREAS, policies that narrow the achievement gap are critical components of an education system that meets the needs of all children and prepares them to compete in the global economy; and

WHEREAS, research shows that high-quality early learning programs that help infants, toddlers and preschoolers to develop the cognitive, social, emotional and physical skills necessary for school success represent a powerful strategy to strengthen education and close the achievement gap; and

WHEREAS, the creation of the Illinois Early Learning Council (hereinafter the "Council") by members of the General Assembly is a major step toward establishing a statewide high-quality early childhood system; and

WHEREAS, the vision of the Council is that all children in Illinois start school safe, healthy, eager to learn and ready to succeed; and

WHEREAS, the Council is charged with working to meet the early learning needs of children from birth to age five and their families by establishing a high-quality, accessible, and comprehensive statewide early learning system; and

WHEREAS, the Council has been designated as the State Advisory Council on Early Childhood Education and Care, making it eligible for federal funds available to support State Advisory Councils; and

WHEREAS, the Council in June 2009 recommended the creation of the Governor's Office of Early Childhood Development to coordinate the work of the Council and its committees, support collaborative efforts to coordinate, improve, and expand existing early childhood programs and services, and signal the importance of early learning in the State of Illinois; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

I. CREATION

EXECUTIVE ORDER

The Office of Early Childhood Development (hereinafter the "Office") is created within the Office of the Governor, as of May 1, 2010. This Office shall be responsible for guiding the efforts of the Council as it works to advance a comprehensive, statewide early childhood system.

II. PURPOSE

- a. The purpose of the Office is to coordinate the work of the Council and its committees, and support collaborative efforts to coordinate, improve, and expand existing early childhood programs and services for children from birth to age five and their families.
- b. The Office will be responsible for reporting annually on the work of the Council as required by the Illinois Early Learning Council Act (Public Act 93-380), and will be responsible for ensuring that the Council continues to meet the requirements for State Advisory Councils as outlined in the Head Start Act.
- c. The Office will develop initiatives that address and promote access, quality, and accountability in early childhood services.
- d. The Office will work across state agencies to assist in the implementation of recommendations of the Council, and analyze and discern policy challenges and opportunities in Illinois.

III. FISCAL RESPONSIBILITY

The Office shall use federal funds and existing state resources and employees, with no additional cost to the State.

IV. TRANSPARENCY

In addition to whatever policies and procedures it may adopt, the Office will be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). This section shall not be construed so as to preclude other statutes from applying to the Office and its activities.

V. SAVINGS CLAUSE

EXECUTIVE ORDER

Nothing in this Executive Order shall be construed to contravene any State or federal law.

VII. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor: June 7, 2010

Filed with the Secretary of State: June 7, 2010

EXECUTIVE ORDER

2010-9**EXECUTIVE ORDER CREATING PUT ILLINOIS TO WORK**

- WHEREAS**, the Constitution of the State of Illinois was ordained and established "in order to provide for the health, safety and welfare of the people; ... eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual"; and
- WHEREAS**, Article 11 of the Constitution states that each person has the right to a healthful environment, and that it is the public policy of the State of Illinois (hereinafter the "State") and the duty of each person to provide and maintain a healthful environment for the benefit of this and future generations; and
- WHEREAS**, the opportunity to be gainfully employed is key to economic development and sustainability for the betterment of the community as a whole; and
- WHEREAS**, current unemployment rates of 11.2% Statewide and increasing poverty rates establish the need for governmental intervention to achieve the above-stated Constitutional goals by stimulating the economy; and
- WHEREAS**, a Statewide subsidized work-relief program intended to provide wages, supervision and connections to employment opportunities can improve the status of adults in disadvantaged families throughout the State and reduce their dependency on other programs; and
- WHEREAS**, a work-relief program creates new jobs that would not otherwise exist, not displacing current employees but providing additional opportunities for low-income families to earn wages and learn skills; and
- WHEREAS**, the statutory mission of the Illinois Department of Human Services (DHS) is to "assist [Illinoisans] to achieve maximum self-sufficiency, independence and health through the provision of seamless, integrated services for individuals, families and communities"; and
- WHEREAS**, DHS, as the administering agency of the Temporary Assistance for Needy Families (TANF) Program, has been designated to access Federal American Recovery and Reinvestment Act (ARRA) funds to stimulate the economy, including through development of a Statewide subsidized work-relief program; and

EXECUTIVE ORDER

WHEREAS, the Illinois Department of Employment Security (IDES) is responsible for administering unemployment insurance programs and determining whether employment wages qualify for work-relief exemption from countable unemployment insurance wages; and

WHEREAS, IDES has determined that DHS' use of TANF ARRA funds to support a publicly subsidized employment program for the benefit of disadvantaged persons in order to lessen economic hardship is a work-relief purpose; and

WHEREAS, DHS has designed a publicly subsidized employment program as a work-relief program and, as such, is required to contract with an Illinois not-for-profit corporation or a governmental body to serve as the employer of record responsible for payroll and the ultimate direction and control of participants; and

WHEREAS, DHS has determined to name this TANF work-relief program Put Illinois to Work; and

WHEREAS, Heartland Human Care Services, Inc. ("Heartland"), a not-for-profit corporation operating in Illinois since 1888 with a mission to advance economic security and to reduce poverty by serving over 200,000 Illinoisans each year, has extensive experience in providing employment opportunities to the disadvantaged in impoverished communities; and

WHEREAS, DHS has chosen Heartland to serve as lead contractor and employer of record for Put Illinois to Work;

THEREFORE, I, Pat Quinn, Governor of Illinois, pursuant to the authority vested in me by Article V of the Constitution of the State of Illinois, hereby order as follows:

- I. The State of Illinois will create a work-relief program, henceforth known as Put Illinois to Work, intended to provide publicly subsidized wages and connections to employment opportunities to improve the status of disadvantaged families.
- II. Put Illinois to Work will be funded by the State of Illinois and the TANF Program's Emergency Contingency Fund (ECF) which was established by ARRA. The ECF provides 80% reimbursement for all increased expenditures of a state in the categories of basic assistance, short-term non-recurrent benefits, or subsidized employment. Illinois is eligible to draw down up to \$292.5 million through September 30, 2010.

EXECUTIVE ORDER

- III. Put Illinois to Work will benefit at least 15,000 unemployed or underemployed adults throughout the State until the ARRA funding is exhausted or no longer available.
- IV. DHS, as the administering agency of the TANF Program, is responsible for Put Illinois to Work.
- V. DHS shall partner with Heartland to administer Put Illinois to Work. Heartland will be the Statewide lead agency, and will partner with various other non-profit social service agencies and governmental units throughout the State to administer the program.

SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any State or Federal law.

EFFECTIVE DATE

This Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor: June 7, 2010

Filed with the Secretary of State: June 7, 2010

PROCLAMATIONS

2010-196**GUBERNATORIAL PROCLAMATION**

Severe storms and tornadoes moved through north central Illinois on Saturday evening, June 5, 2010. The rapidly moving storms produced tornadoes that caused extensive property damage and resulted in dozens of injuries to residents of four Illinois counties. Local emergency workers responded immediately to protect public health and safety. State agencies are assisting local governments in debris removal, security and the coordination of all necessary activities to ensure a rapid recovery from the effects of the violent weather. A coordinated effort involving State agencies, local governments and the private sector will be crucial in the next few weeks.

In the interest of aiding the citizens of Illinois and the impacted local governments that are responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare LaSalle County, Livingston County, Peoria County and Putnam County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in the disaster response and recovery operations. In addition, this proclamation can facilitate a request for federal disaster assistance following a thorough assessment of damage if the damage assessment indicates that federal disaster assistance is warranted.

Issued by the Governor: June 7, 2010

Filed with the Secretary of State: June 10, 2010

2010-197**GUBERNATORIAL PROCLAMATION**

Severe storms and tornadoes moved through north central Illinois on Saturday evening, June 5, 2010. The rapidly moving storms produced tornadoes that caused extensive property damage and resulted in dozens of injuries to residents of five Illinois counties. Local emergency workers responded immediately to protect public health and safety. State agencies are assisting local governments in debris removal, security and the coordination of all necessary activities to ensure a rapid recovery from the effects of the violent weather. A coordinated effort involving State agencies, local governments and the private sector will be crucial in the next few weeks.

In the interest of aiding the citizens of Illinois and the impacted local governments that are responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Kankakee County as a State Disaster Area pursuant

PROCLAMATIONS

to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in the disaster response and recovery operations. In addition, this proclamation can facilitate a request for federal disaster assistance following a thorough assessment of damage if the damage assessment indicates that federal disaster assistance is warranted.

Issued by the Governor: June 10, 2010

Filed with the Secretary of State: June 10, 2010

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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