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December 2, 2013 Volume 37, Issue 48

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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 peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2013 to January 2, 2014.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: Proposed Action:
 146.410 Amend
 146.440 Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking requires participants in the State Hemophilia Program to meet the eligibility requirements of the Affordable Care Act by obtaining and providing proof of health coverage.
- 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? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.840	Amendment	37 Ill. Reg. 18005; November 15, 2013
- 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: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov, General Counsel
 Illinois Department of Healthcare and Family Services
 201 South Grand Avenue E., 3rd Floor

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62763-0002

217/782-1233

HFS.Rules@illinois.gov.

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded Birth Centers
 - 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 anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART C: STATE HEMOPHILIA PROGRAM

Section 146.410 Patient Eligibility

- a) An eligible person shall:
 - 1) Be a resident of the State of Illinois; and
 - 2) Not be otherwise eligible for comprehensive benefits under the Public Aid Code [305 ILCS 5] or the Children's Health Insurance Program Act [215 ILCS 106]; and
 - 3) Submit an application form accompanied by a copy of the most recent State Income Tax Return (IL 1040) for the person or, in the case of a minor, for the person's parents or guardian; and
 - 4) Submit the Illinois Hemophilia Program Medical Form signed by the medical director of an approved Hemophilia Treatment Center to document the person has a diagnosis of hemophilia.
- b) On an annual basis, the patient shall:
 - 1) Receive a complete comprehensive care evaluation in a Hemophilia Treatment Center, unless otherwise recommended by the center's director.
 - 2) Submit an application form accompanied by a copy of the most recent State Income Tax Return (IL 1040) for the patient or, in the case of a minor, for the patient's parents or guardian.
 - 3) Meet the requirements of the Patient Protection and Affordable Care Act (ACA) (PL 111-148) by obtaining and providing proof of health coverage. Payment of a tax penalty for not obtaining insurance does not meet the requirement.
- c) Patient Participation Fee

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Patient Participation Fee will be determined annually and is equal to 20 percent of the patient's available family income.
 - 2) In cases where the family has more than one patient participating in the State Hemophilia Program, the Patient Participation Fee will be applied to the family as a unit.
 - 3) The patient or, in the case of a minor, the patient's parent or guardian will be notified in writing of the Patient Participation Fee.
- d) Hardship Cases
- 1) A hardship case refers to a patient who has been determined by the Department to owe a Patient Participation Fee and the patient or, in the case of a minor, the patient's parent or guardian believes the charge will cause financial hardship.
 - A) The patient or, in the case of a minor, the patient's parent or guardian may request a redetermination of the Patient Participation Fee. The request shall include the following information:
 - i) Reduction in family income since the previous year;
 - ii) Accrued medical bills for the entire family;
 - iii) Other illness in the family;
 - iv) Increased childcare costs;
 - v) Extraordinary expenses incurred during the previous year;
 - vi) Casualty losses experienced during the previous year; and
 - vii) Resources to which the family has access for medical care, vocational assistance and other supportive services.
 - B) The patient or, in the case of a minor, the patient's parent or guardian may also submit a written narrative explaining any

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

additional factors supporting the request for a reduction in the Patient Participation Fee.

- 2) The Department shall review and evaluate each hardship request. Criteria used in the review shall include the number and severity of demands being made on the family's financial resources, the availability of assistance from other sources and the potential stress placed on the family if the Patient Participation Fee is not reduced.
- 3) The Department will respond in writing with its determination regarding the hardship request. The Department will take one of the following actions:
 - A) Make no changes in the Patient Participation Fee originally assigned to the patient;
 - B) Reduce the amount of the Patient Participation Fee; or
 - C) Remove the Patient Participation Fee.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 146.440 Home Transfusion Arrangements

- a) The State Hemophilia Program shall assist patients for whom the Hemophilia Treatment Center hematologists request assistance in securing and funding home transfusion materials, including the necessary anti-hemophilia factors in coordination with their insurance coverage. The obligation for training and supervision of patients shall remain with the center directors.
- b) The Hemophilia Treatment Center hematologists shall provide to the selected manufacturer's representative or other recognized provider a prescription for the required amount, type, and assay of the specific factor.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.600	Amend
148.610	Amend
148.630	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking requires participants in the State Chronic Renal Disease Program to meet the eligibility requirements of the Affordable Care Act by obtaining and providing proof of health coverage.
- 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? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.140	Amendment	37 Ill. Reg. 9875; July 12, 2013
148.436	New	37 Ill. Reg. 18011; November 15, 2013
- 11) Statement of Statewide Policy Objectives: This rulemaking does affect units of local government. It will have an impact on government-owned or government-operated hospitals.
- 12) Time, Place and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jeanette Badrov, General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233
HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 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: This rulemaking was not anticipated by the Department when the most recent regulatory agenda was published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
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148.117	Outpatient Assistance Adjustment Payments
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments (Repealed)
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements
- 148.402 Medicaid Eligibility Payments (Repealed)
- 148.404 Medicaid High Volume Adjustment Payments (Repealed)
- 148.406 Intensive Care Adjustment Payments (Repealed)
- 148.408 Trauma Center Adjustment Payments (Repealed)
- 148.410 Psychiatric Rate Adjustment Payments (Repealed)
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- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

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148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

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148.700	General Provisions

SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

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148.800	General Provisions
148.810	Definitions
148.820	Individual Eligibility for the Program
148.830	Providers Participating in the Program
148.840	Stabilization and Discharge Practices
148.850	Medication Management
148.860	Community Connect IMD Hospital Payment
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148.880	Program Reporting

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg.

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12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill.

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Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective

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May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section 148.600 Definitions

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~~"Committee" means the Renal Disease Advisory Committee. The Committee, which is appointed by the Department's Director, consults with the Department in the administration of the Renal Disease Treatment Act [410 ILCS 430]. The Committee is composed of 15 persons representing entities involved in or interested in kidney diseases, to include hospitals and medical schools, physicians, voluntary agencies and the general public. The Committee meets at least once each year, as specified in the Act.~~

"Department" means the Illinois Department of Healthcare and Family Services~~Public Aid~~.

"Dialysis Facility" means a facility that provides dialysis treatments, such as in-facility and home dialysis, and is certified by the federal Centers for Medicare ~~and~~ Medicaid Services as a Medicare-approved dialysis facility.

"Dialysis Treatment" means the filtering of blood in order to remove liquid and unwanted material so that fluid, electrolyte and acid-base balance in the blood can be maintained.

"End Stage Renal Disease" means the level of renal impairment that is irreversible and permanent, results in the kidneys losing their ability to filter blood and excrete urine, and requires a regular course of dialysis or kidney transplantation to maintain life.

"Patient" means an eligible person whose kidneys are non-functioning or absent and who requires dialysis treatment to maintain life.

"Program" means the Illinois Department of Healthcare and Family Services~~Public Aid's~~ State Chronic Renal Disease Program.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 148.610 Scope of the Program**a) General Description**

The Illinois Department of Healthcare and Family Services~~Public Aid's~~ State Chronic Renal Disease Program assists patients with End Stage Renal Disease who have not qualified for benefits under Medical Assistance or All Kids KidCare. The Program assists eligible patients suffering from chronic renal diseases who require lifesaving care and treatment for such renal

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diseases, but who are unable to pay for the necessary services on a continuing basis. The Program is supplementary to all other resources, including Medicare, private insurance and private income. Services under the State Chronic renal Disease Program are not available as emergency medical services to ineligible non-citizens. The Program will assist in connecting individuals with health coverage through Medicaid or the Illinois Health Insurance Marketplace under the Affordable Care Act (PL 111-148).

- b) ~~Role of the Renal Disease Advisory Committee~~
- 1) ~~The Committee shall act in an advisory capacity to the Department in the development of standards for determining eligibility for care and treatment. Such standards shall provide that Program candidates are evaluated in properly staffed and equipped facilities.~~
 - 2) ~~The Committee shall make recommendations to the Department on financial assistance for patients, including reasonable charges and fees for:~~
 - A) ~~Treatment in a dialysis facility.~~
 - B) ~~Hospital treatment for dialysis and transplant surgery;~~
 - C) ~~Treatment in a limited care facility;~~
 - D) ~~Home dialysis training; and~~
 - E) ~~Home dialysis.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 148.630 Criteria and Information Required to Establish Eligibility

- a) An eligible person shall:
- 1) Be a resident of the State of Illinois as provided in 305 ILCS 5/2-10; ~~and~~
 - 2) Meet requirements of citizenship as provided in 305 ILCS 5/1-11; ~~and-~~

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3) Meet the requirements of the Patient Protection and Affordable Care Act (ACA) by obtaining health coverage. Payment of a tax penalty for not obtaining insurance does not meet the requirement.

b) The following information shall be verified by the dialysis facility and maintained in the patient's record:

1) Citizenship or immigration status;

2) Address; ~~and~~

3) Social Security Number; ~~and~~

4) Documentation of health coverage.

c) Eligibility of patients shall be determined by the Department based on the information required in this Section. To maintain eligibility for participation in the Program, a patient shall meet the following criteria on an ongoing basis:

1) A physician's diagnosis of End Stage Renal Disease for the patient must be on file at the dialysis facility;

2) The designated Department of Human Services office has determined the patient is not eligible for medical assistance; and

3) The patient shall provide documentation to the dialysis facility of his or her ineligibility for non-spenddown Medicaid or QMB (Qualified Medicare Beneficiary) status.

d) Participation Fees

1) Participants in the Program shall be responsible for paying a monthly participation fee to the dialysis facility from which they receive dialysis treatment. The amount of the Department's payment, as determined under Section 148.620, shall be reduced by the amount of the participation fee. The fee shall be determined by the Department based on income and information contained in the Bureau of Labor Statistics (BLS) standards, as described in ~~Section 148~~ Table B, and calculated pursuant to the Direct Care Program Renal Participation Worksheet (~~Section 148~~ Table A).

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- 2) The following shall be obtained and verified by the dialysis facility and submitted with the patient's application to the Department for determination of the amount of a patient's participation fee.
 - A) Pay stubs for the 90 days preceding the date of signature on the application if not employed for the past year; or
 - B) Previous year's federal and State Income Tax Returns if employed during the previous year.
- 3) The following are allowed as deductions from income:
 - A) Federal, State and local taxes;
 - B) Special care for children;
 - C) Support (child, relative or alimony);
 - D) Retirement or Social Security benefits;
 - E) Employment expenses (union dues, special tools and clothing);
 - F) Transportation to and from the site of dialysis; and
 - G) Medical expenses, both paid and outstanding.
- 4) If a substantial change in the financial status of any patient occurs after the patient has been found eligible for the Program, the patient shall report the change to the dialysis center. Based on the extent of the change, a new participation fee may be determined and imposed by the Department.
- e) The following shall be verified by the dialysis facility and submitted with the patient's application to the Department for determination of nonfinancial eligibility by the Department:
 - 1) Third Party Liability
 - A) Proof of insurance coverage; and

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B) Proof of Medicare coverage.

2) Consent form required under subsection (f) ~~of this Section~~, signed by the patient or his or her representative.

f) The applicant or the applicant's parent or guardian must sign a consent form authorizing the release of all medical and financial records to the Department and to an approved chronic renal disease treatment facility.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 501
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
501.103	New
501.104	New
501.200	Amend
501.201	Amend
501.223	New
501.236	New
501.238	New
501.241	Amend
501.242	New
501.244	New
501.252	New
501.253	New
501.254	New
501.261	New
501.263	New
501.267	New
501.295	Amend
501.305	Amend
501.310	Amend
501.312	New
501.313	New
501.325	Repeal
501.333	New
501.343	New
501.345	Amend
501.355	Amend
501.357	New
501.358	New
501.359	New
501.360	Amend
501.361	New
501.363	New
501.373	New
501.377	New

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501.378	New
501.379	New
501.385	New
501.390	New
501.395	New
501.401	Amend
501.402	Amend
501.404	Amend
501.405	Amend
501.505	New

- 4) Statutory Authority: Implementing Sections 9, 12, 13, 21 and 22 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/9, 12, 13, 21, 22, and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of November 7, 2013, in docket R12-23.

The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend the Board's agriculture related pollution regulations. The Agency sought to amend Part 501 so that it would be consistent with, and as stringent as, the current federal Concentrated Animal Feeding Operations regulations. The Agency also sought to establish state technical standards required by the federal rule. The United States Environmental Protection Agency (USEPA) had directed that "Illinois still needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow." The Agency claimed that failure to amend these regulations could result in withdrawal of federal delegation to Illinois of the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: The Agency reported that it had not performed any new study or contracted with any other entity to perform one as a basis to develop its rulemaking proposal, so it had no "underlying data" to report.

The Agency stated that the following "provides a complete list of all documents and studies used in developing the proposal".

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American Society of Agricultural and Biological Engineers

Management of Manure Odors, ASAE EP379.4 (Jan. 2007)

Design of Anaerobic Lagoons for Animal Waste Management, ASABE EP403.4
(R2011)

Illinois Agronomy Handbook, 24th Edition; University of Illinois College of Agriculture,
Consumer and Environmental Sciences

MidWest Plan Service

Livestock Waste Facilities Handbook, Third Edition, Third Printing (MWPS-18) April
1998

Manure Characteristics, Section 1, Second Edition (MWPS-18) (2004)

Recommended Chemical Soil Test Procedures for the North Central Region, North
Central Regional Publication No. 221 Missouri Agricultural Experiment Station Bulletin
SB 1001 (Jan. 1998)

Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils, Bulletin No.
810 (2000), revised 1/15/01 to amend Table B810, University of Illinois College of
Agriculture, Consumer and Environmental Sciences Office of Research

Optimum Crop Productivity Ratings for Illinois Soils, Bulletin No. 811 (2000), revised
1/15/01 to amend Table S2 B811, University of Illinois College of Agriculture,
Consumer and Environmental Sciences Office of Research

Livestock Management Facilities Act (510 ILCS 77)

Livestock Management Facilities Act Regulations (8 Ill. Adm. Code 900)

68 Fed. Reg. 7176 (Feb. 12, 2003)

Waterkeeper v. USEPA, 399 F.3d 486 (2nd Cir. 2005)

73 Fed. Reg. 70418 (Nov. 20, 2008)

November 2008 Compiled CFO NPDES Regulations and Effluent Limitations Guidelines
and Standards

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National Pork Producers Council, et al. v. USEPA, 635 F.3d 738 (5th Cir. 2011)

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Allen, B.L. and A.P. Mallarino, Effects of Liquid Swine Manure Rate, Incorporation, and Timing of Rainfall on Phosphorus Loss with Surface Runoff, Journal of Environmental Quality 37: 125-37 (2008)

Standard Methods for the Examination of Water and Wastewater, 19th edition (1995), American Public Health Association

Good Environmental Livestock Production Practices: Concentrated Livestock Operations – Manure Utilization ANSI-GELPP 0004-2002

Curve Number Hydrology – State of the Practice, ASCE/EWRI Curve Number Hydrology Task Committee, American Society of Civil Engineers (2009)

Barker, J.C., Lagoon Design and Management for Livestock Waste Treatment and Storage North Carolina Cooperative Extension Service EBAE 103-83 (1996)

Brady, N.C., Nature and Properties of Soils, 8th Edition (1974)

Daverede, I.C., et al., Phosphorus Runoff: Effect of Tillage and Soil Phosphorus Levels, Journal of Environmental Quality 32: 1436-44 (2003)

Daverede, I.C., et al. Phosphorus Runoff from Incorporated and Surface-Applied Liquid Swine Manure and Phosphorus Fertilizer, Journal of Environmental Quality 33: 1535-44 (2004)

Dillaha, T.A., et al., Vegetative Filter Strips for Agricultural Non-Point Source Pollution Control, Trans. ASAE 32: 513-19 (1989)

Funk, T., et al., Developing and Managing Livestock Waste Lagoons in Illinois, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research Circular 1326

Garen, D.C. and D.S. Moore, Curve Number Hydrology in Water Quality Modeling, Uses, Abuses, and Future Directions, Journal of the American Water Resources Association, Paper No. 03127, 377-88 (2005)

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Hawkins, R.H., et al., Continuing Evolution of Rainfall-Runoff and the Curve Number Precedent, Second Joint Federal Interagency Conference (2010)

Jones, D.J. and A.L. Sutton, Design and Operation of Livestock Waste Lagoons, Purdue University Cooperative Extension Service ID-120 (Sept, 1999)

Lewis, R.J., Hawley's Condensed Chemical Dictionary, 12th Edition (1993)

Mayer, P.M., et al., Meta-Analysis of Nitrogen Removal in Riparian Buffers, Journal of Environmental Quality 36: 1172-80 (2007)

Peters, J., et al. Recommended Methods of Manure Analysis (2003), available at <http://uwlab.soils.wisc.edu/pubs/A3769.pdf> (posted Mar. 4, 2003, verified Aug. 20, 2011)

Ponce, V.M. and R.H. Hawkins, Runoff Curve Number: Has It Reached Maturity, Journal of Hydrologic Engineering, ASCE 1(1) (Jan. 1996)

Pote, D.H. et al., Water Quality Effects of Incorporating Poultry Litter into Perennial Grassland Soils," Journal of Environmental Quality 32(6): 2392-98 (2003)

Sharpley, A.N., et al., Phosphorus Movement in the Landscape, J. Prod. Agric. 6: 492-500 (1993)

Sharpley, A.N., et al., Determining Environmentally Sound Soil Phosphorus Levels, J. Soil and Water Cons. 51(2): 160-66 (1996)

United States Department of Agriculture – Natural Resource Conservation Service, Nutrient Management Code 590, Illinois (Jan. 2002)

United States Department of Agriculture – Natural Resource Conservation Service, Waste Utilization Code 633, Illinois (Jan. 2002)

United States Department of Agriculture – Natural Resource Conservation Service, Nutrient Management Code 590, Illinois (Oct. 2003)

United States Department of Agriculture – Natural Resource Conservation Service, National Engineering Handbook, Part 630 Hydrology, Chapter 10 Estimation of Direct Runoff from Storm Rainfall (2004)

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United States Environmental Protection Agency, Cost Methodology for the Final Revisions to the National Pollutant Discharge Elimination System Regulations and the Effluent Guidelines for Concentrated Animal Feeding Operations (Dec. 2002)

United States Environmental Protection Agency, Managing Manure Nutrients at Concentrated Animal Feeding Operations (2004)

United States Department of Agriculture – Natural Resource Conservation Service, Illinois Engineering Field Handbook, Illinois Hydrologic Soil Groups, Notice 29 (Oct. 2007), available at <ftp://ftp-fc.sc.egov.usda.gov/IL/engineer/supplements/2-42.9to2-42.16.pdf> (last modified Nov. 16, 2009, viewed Aug. 30, 2011)

United States Department of Agriculture – Natural Resource Conservation Service, Illinois NRCS Standard Grassed Waterway – Conservation Practice Standard – Code 412 (Mar. 2008)

United States Department of Agriculture – Natural Resource Conservation Service, Soil Survey of Piatt County (2010)

United States Department of Agriculture, Agricultural Research Service, Oxford Sedimentation Lab at <http://www.ars.usda.gov/Research/docs.htm?docid=6010> (viewed Aug. 29, 2011)

United States Environmental Protection Agency, Method 350.1 Determination of Ammonia Nitrogen by Semi-Automated Colorimetry, Revision 2.0 (Aug. 1993)

United States Environmental Protection Agency, NPDES Permit Writer's Guidance Manual and Example NPDES Permit for Concentrated Animal Feeding Operations, (Dec. 2003)

Van Mullem, J.A., et al., Runoff Curve Number Method: Beyond the Handbook at ftp://ftp-fc.sc.egov.usda.gov/NWMC/CN_info/Van_Mullem_paper.doc (viewed Aug. 31, 2011)

Wisconsin Administrative Code NR 243 Animal Feeding Operations at <http://legis.wisconsin.gov/rsb/code/nr/nr243.pdf>

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Zhang, X.Y., et al., A Review of Vegetated Buffers and a Meta-Analysis of Their Mitigation Efficiency in Reducing Nonpoint Source Pollution, Journal of Environmental Quality 39(1): 76-84

- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R12-23 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R12-23 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312-814-3629.
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: By aligning Illinois' rules with current federal CAFO regulations and implementing required technical standards, the proposed rules could apply to any livestock management facilities and livestock waste-handling facilities in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments to Part 501 implement federal requirements and would

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require facilities to determine whether they are subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements and to follow them where applicable. The proposed amendments to Part 501 would also require specified unpermitted facilities to submit basic information about their operations to the Agency.

- C) Types of Professional skills necessary for compliance: The Board does not expect that professional skills beyond those currently required for recordkeeping and other requirements will be necessary for compliance.
- 14) Regulatory Agenda in which these amendments were summarized: 7/13 (37 Ill. Reg. 9060)

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 501
GENERAL PROVISIONS

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501.102	Policy
501.103	Organization of this Chapter
501.104	Severability

SUBPART B: DEFINITIONS AND INCORPORATIONS

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501.280	Livestock
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501.290	Livestock Shelter
501.295	Livestock Waste
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501.305	Man-made
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<u>501.313</u>	<u>Manure Storage Area</u>
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501.317	Maximum Feasible Location
501.320	Modification
501.325	Navigable Waters (<u>Repealed</u>)
501.330	New Livestock Management Facility and New Livestock Waste-Handling Facility
<u>501.333</u>	<u>New Source</u>
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501.342	Non-farm Residence
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501.345	Owner/ or Operator
501.350	Person
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501.356	Populated Area
<u>501.357</u>	<u>Process Wastewater</u>
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501.360	<u>Revised Universal Soil Loss Equation</u> Settling Basin
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<u>501.363</u>	<u>Setbacks</u>
501.365	<u>Silvicultural Point Source</u> Settling Basin
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<u>501.379</u>	<u>Waste Containment Area</u>
501.380	Water Pollution
<u>501.385</u>	<u>Wet Lot</u>
<u>501.390</u>	<u>25-Year, 24-Hour Precipitation Event</u>
<u>501.395</u>	<u>100-Year, 24-Hour Precipitation Event</u>

SUBPART C: OPERATIONAL RULES FOR ALL LIVESTOCK MANAGEMENT FACILITIES AND LIVESTOCK WASTE-HANDLING FACILITIES

Section

501.401	<u>Purpose and Scope of Operational Rules for Livestock Management Facilities and Livestock Waste-Handling Facilities</u> General Criteria
501.402	Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities
501.403	Protection of Livestock Management Facilities and Livestock Waste-Handling Facilities
501.404	Handling and Storage of Livestock Waste
501.405	Field Application of Livestock Waste
501.406	Inspections and Disease Prevention

SUBPART D: SUBMITTAL OF INFORMATION

Section

<u>501.505</u>	<u>Requirements for Certain CAFOs to Submit Information</u>
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501.APPENDIX A References to Previous Rules

AUTHORITY: Implementing and authorized by Sections 9, 12, 13, 21, 22 and 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22 and 27].

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SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10592; amended in R90-7 at 15 Ill. Reg. 10075, effective July 1, 1991; amended in R12-23 at 38 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY AND POLICY

Section 501.103 Organization of this Chapter

The Board regulations adopted in 35 Illinois Administrative Code Subtitle E: Agriculture Related Pollution, Chapter I: Pollution Control Board are organized as provided in this Section.

- a) Part 501 of this Chapter contains definitions and incorporations by reference applicable to Parts 501, 502 and 503, which are the Parts of this Chapter administered by the Environmental Protection Agency. Subpart C of Part 501 also contains the requirements applicable to all livestock waste-handling facilities and livestock management facilities, whether or not those facilities are defined as animal feeding operations (AFOs) or concentrated animal feeding operations (CAFOs) and without regard to whether the facility is subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements.
- b) Part 502 identifies which AFOs are subject to NPDES permit requirements and specifies those requirements. Part 502 also provides the State technical standards applicable to permitted CAFOs. That Part also contains requirements applicable to land application activities from AFOs that are defined as large CAFOs and are not permitted under an NPDES permit.
- c) Part 503 contains the requirements applicable to fish and aquatic animal production facilities, irrigation activities, and silvicultural activities and sources.
- d) Part 506 implements the Livestock Management Facilities Act [510 ILCS 77]. Those rules and the Livestock Management Facilities Act are administered by the Illinois Department of Agriculture.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.104 Severability

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If any provision of this Part is adjudged invalid, or if the application of this Part to any person or in any circumstance is adjudged invalid, that invalidity shall not affect the validity of this Chapter as a whole, or of any Part, Subpart, sentence or clause of this Part not adjudged invalid.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS AND INCORPORATION

Section 501.200 Incorporations by Reference

a) The Board incorporates the following material by reference:

ASABE/ASAE. Available from American Society of Agricultural and Biological Engineers, 2950 Niles Road, St. Joseph, MI 49085 (269) 429-0300, fax (269) 429-3852, hq@asabe.org-9659 (616-429-0300).

"ManagementControl of Manure Odors," ASAE ~~EP379.4~~EP379.1 (January 2007)(December 1986).

"Design of Anaerobic Lagoons for Animal Waste Management," ~~ASABE EP403.4 (R2011)~~ASAE-EP403.1 (March 1990).

"Illinois Agronomy Handbook, 24th Edition," University of Illinois, College of Agriculture, Consumer and Environmental Sciences. Urbana IL, July 2009. Available from University of Illinois, Office of Extension and Outreach, 111 Mumford Hall (MC-710), 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-5900.

MWPS. Available from MidWest Plan Service, 122 Davidson Hall, Iowa State University, Ames IA 50011-3080 (515) 294-4337.

"Livestock Waste Facilities Handbook, Third Edition," MWPS-18. MidWest Plan Service. April 1993.

"Manure Characteristics," Section 1. Second Edition MWPS-18-S1. MidWest Plan Service. 2004.

"Recommended Chemical Soil Test Procedures for the North Central Region," North Central Regional Publication No. 221, Missouri Agricultural Experiment

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Station Bulletin SB 1001 (January 1998). Available from North Central Region-University of Missouri Soil Testing Lab, 23 Mumford Hall, University of Missouri, Columbia MO 65211 (573) 884-4288.

"Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table 2 for B810. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table S2 for B811. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"NOAA Atlas 14: Precipitation Frequency Atlas of the United States," United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325 East West Highway, Silver Spring MD 20910. (Available online at http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf).

Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20401 (202) 783-3238:

7 CFR 610.12 (2013), Revised Universal Soil Loss Equation.

"Agricultural Waste Management Field Handbook," United States Department of Agriculture, Natural Resources Conservation Service (2009). Available from USDA, NRCS, 1400 Independence Ave., S.W., Washington DC 20250. (Available online at <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430>).

- b) This Section incorporates no later editions or amendments.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 501.201 Definitions

- a) Except as otherwise hereinafter stated in this Part, and unless a different meaning of the term is clear from its context, the definitions of terms used in this Chapter shall be the same as those used in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I.
- b) The definitions contained in this Subpart are applicable to 35 Ill. Adm. Code 501, 502 and 503.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.223 Animal Confinement Area

Animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways and stables.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.236 Chemicals and Other Contaminants

Antibiotics, hormones, feed additives, pesticides, hazardous and toxic chemicals, petroleum products and by-products, other chemical products and by-products, and the residues and containers of any of these materials.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.238 Concentrated Animal Feeding Operation (CAFO)

An animal feeding operation (AFO) that is defined as a large CAFO pursuant to 35 Ill. Adm. Code 502.103 or as a medium CAFO pursuant to 35 Ill. Adm. Code 502.104, or that is designated as a CAFO pursuant to 35 Ill. Adm. Code 502.106.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.241 CWA

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~~The Clean Water Act, as amended (33 USC 1251 et seq.) Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, 33 U.S.C. 1251 et seq., Public Law 92-500, enacted by the Congress October 18, 1972, as amended by Public Law 95-217, enacted December 27, 1977, as amended.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.242 Dry Lot

A facility for growing ducks in confinement with a dry litter floor cover and no access to swimming areas.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.244 Erosion Factor T

An estimate of the maximum average annual rate, in tons per acre per year, of soil erosion by water that can occur without affecting crop productivity over a sustained period.

BOARD NOTE: Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service's published soil surveys for Illinois at http://soils.usda.gov/survey/printed_surveys/state.asp?state=Illinois&abbr=IL.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.252 Frozen Ground

Soil that is frozen anywhere between the first ½ inch to 8 inches of soil as measured from the ground surface.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.253 Grassed Waterway

A natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the conveyance of runoff from a field, diversion or other structure.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 501.254 Groundwater

Underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure [415 ILCS 5/3.210].

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.261 Incorporation

A method of land application of livestock waste in which the livestock waste is thoroughly mixed or completely covered with the soil within 24 hours. Any ponded liquid livestock waste remaining on the site after application is not considered to be thoroughly mixed or completely covered with the soil.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.263 Injection

The placement of livestock waste 4 to 12 inches below the soil surface in the crop root zone using equipment specifically designed for that purpose, when the applied material is retained by the soil.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.267 Land Application Area

Land under the control of an animal feeding operation owner or operator, whether it is owned, rented or leased, to which livestock waste from the production area is or may be applied.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.295 Livestock Waste

Manure, litter, process wastewater, overflow from watering systems, ~~Livestock excreta and associated feed losses, bedding,~~ wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation and other materials polluted by livestock, including but not limited to soils and sludges removed from livestock waste storage structures. Livestock waste does not include agricultural stormwater

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discharge.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.305 Man-made

Constructed by man ~~and used for the purpose of transporting waste.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.310 Man-made Ditch

A discrete fissure or channel excavated in the earth ~~for the purpose of transporting livestock waste directly to navigable waters. This is not to be confused with a vegetative filter or acceptable disposal area which is a treatment device and may take the form of a man-made terrace or grass waterway system.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.312 Manure

Animal excreta, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.313 Manure Storage Area

Includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under the house or pit storages, liquid impoundments, static piles, and composting piles.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.325 Navigable Waters (Repealed)

~~All waters of the United States as defined in Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR 125.1(p)):~~

a) ~~All navigable waters of the United States;~~

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- b) ~~Tributaries of navigable water of the United States;~~
- e) ~~Interstate waters;~~
- d) ~~Intrastate lakes, rivers and streams which are utilized by interstate travelers for recreational or other purposes;~~
- e) ~~Intrastate lakes, rivers and streams from which fish or shellfish are taken and sold in interstate commerce; and~~
- f) ~~Intrastate lakes, rivers and streams which are utilized for industrial purposes by industries in interstate commerce.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 501.333 New Source

Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after either of the following dates:

- a) after promulgation of standards of performance under section 306 of the Clean Water Act that are applicable to the source; or
- b) after proposal of standards of performance in accordance with section 306 of the Clean Water Act that are applicable to the source, but only if the standards are promulgated in accordance with section 306 within 120 days after their proposal.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.343 Overflow

The discharge of livestock waste resulting from the filling of livestock waste storage structures beyond the point at which livestock waste or stormwater can no longer be contained by the structure.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.345 Owner/~~or~~ Operator

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Any person who owns, leases, operates, controls or supervises a livestock management facility or livestock waste-handling facility.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.355 Pollutant

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, as defined in CWA.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.357 Process Wastewater

Water directly or indirectly used in the operation of the AFO for any of the following activities: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. It also includes any water that comes into contact with any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs or bedding.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.358 Production Area

The part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.359 Raw Materials Storage Area

Includes, but is not limited to, feed silos, silage bunkers, and bedding materials stacks.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 501.360 Revised Universal Soil Loss Equation-Settling Basin

The equation for calculating soil loss due to water erosion as set forth in 7 CFR 610.12 (2013), incorporated by reference in Section 501.200:

$$A = R * K * LS * C * P$$

Where

- A = the estimation of average annual soil loss in tons per acre caused by sheet and rill erosion;
- R = the rainfall erosivity factor, which accounts for the energy and intensity of rainstorms;
- K = the soil erodibility factor, which measures the susceptibility of a soil to erode under a standard condition and adjusts it bi-monthly for the effects of freezing and thawing, and soil moisture;
- LS = the slope length and steepness factor, which accounts for the effect of length and steepness of slope on erosion based on the relationship of rill to interrill erosion; and
- P = the support practice factor, which accounts for the effect of conservation support practices, such as cross-slope farming, strip cropping, buffer strips, and terraces on soil erosion.

BOARD NOTE: Soil loss may be calculated using Revised Universal Soil Loss Equation 2 (RUSLE2) software program available at http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm.

Any excavated, diked or walled structure or combination of structures designed as part of a livestock waste handling facility to detain feedlot runoff for a sufficient time to permit solids to settle for later removal.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.361 Saturated

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Soils in which pore spaces are occupied by liquid to the extent that additional inputs of water or liquid wastes cannot infiltrate into the soil.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.363 Setbacks

A specified distance from surface waters or potential conduits to surface waters where livestock waste may not be land applied. Examples of conduits to surface waters include, but are not limited to, open tile intake structures, sinkholes, and agriculture well heads.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.373 Surface Land Application

Application of livestock waste to the ground surface that is not incorporated or injected.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.377 Vegetative Buffer

Narrow, permanent strip of dense perennial vegetation established parallel to the contours of the land and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.378 Vegetative Fence Row

Narrow, permanent strip of perennial vegetation established at the edge of a field that is a minimum of 15 feet wide. The vegetative fence row slows water runoff and enhances water infiltration, reducing the risk of pollutants leaving the field.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.379 Waste Containment Area

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Includes, but is not limited to, settling basins, and areas within berms and diversions that separate uncontaminated stormwater from livestock waste.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.385 Wet Lot

A confinement facility for raising ducks that is open to the environment, has a small number of sheltered areas, and has open water runs and swimming areas to which ducks have free access.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.390 25-Year, 24-Hour Precipitation Event

The maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, incorporated by reference in Section 501.200.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 501.395 100-Year, 24-Hour Precipitation Event

The maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, incorporated by reference in Section 501.200.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART C: OPERATIONAL RULES FOR ALL LIVESTOCK MANAGEMENT FACILITIES AND LIVESTOCK WASTE-HANDLING FACILITIES**Section 501.401 Purpose and Scope of Operational Rules for Livestock Management Facilities and Livestock Waste-Handling Facilities**~~General Criteria~~

- a) Besides the regulations contained within this Chapter, every person shall also comply with provisions of the Act and other Board regulations.
- b) The owner or operator of any livestock management facility or livestock waste-handling facility shall comply with the CWA, NPDES filing requirements and the

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feedlot category of point source effluent guidelines. All livestock management facilities and livestock waste-handling facilities have the obligation to make a site specific determination of whether the facility is subject to NPDES permit requirements and to follow those requirements when and where they are applicable. CAFOs are subject to additional requirements applicable under 35 Ill. Adm. Code 502.

- c) This Subpart~~These regulations~~ shall apply to stockyards and similar operations where animals are held briefly, as well as to conventional livestock operations.
- d) The transportation of livestock wastes shall be planned and conducted so as not to cause, threaten, or allow any violation of the Act and applicable regulations.
- e) Any runoff or overflow from a livestock management facility or a livestock waste-handling facility shall not cause a water quality violation pursuant to the Act or 35 Ill. Adm. Code Subtitle C: Water Pollution.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities

- a) No new livestock management facility or new livestock waste-handling facility shall contain within its boundaries any stream or other surface waters except small temporary accumulations of water occurring as a direct result of precipitation.
- b) New livestock management facilities and new livestock waste-handling facilities located within a 10-year flood height as recorded by the United States Geological Survey or as officially estimated by the Illinois State Water Survey shall be protected against such flood.
- c) Limitations Effective July 15, 1991
- 1) Upon July 15, 1991, new or expanded livestock management facilities and new or expanded livestock waste-handling facilities shall not be located within ½ mile of a populated area or within ¼ mile of a non-farm residence.
 - 2) For purposes of this subsection (c), the following shall not be considered

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location of a new or expanded livestock management or waste-handling facility:

- A) Commencement of operations at an idle facility which has livestock shelters left intact, and ~~that~~~~which~~ has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the ~~ten (10)~~ previous years;
 - B) Commencement of operations at a facility reconstructed after partial or total destruction due to natural causes, i.e., tornado, fire, or earthquake.
- 3) Adequate odor control methods and technology shall be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.
- d) The setback requirements of subsection (c) shall not apply to any livestock management facility or livestock waste-handling facility ~~that~~~~which~~ meets any of the following conditions:
- 1) The facility is located in an ~~agricultural area~~~~Agricultural Area~~, designated as such pursuant to the Agricultural Areas Conservation and Protection Act, ~~[505 ILCS 5]Ill. Rev. Stat. 1989, ch. 5, para. 1001 et seq.~~;
 - 2) The facility undergoes expansion, and the owner of the facility certifies and notifies the Agency in writing ~~as such~~ that the facility was operating as a livestock management facility or livestock waste-handling facility for at least one year prior to the existence of any non-farm residence within $\frac{1}{4}$ mile of the facility or of a populated area within $\frac{1}{2}$ mile of the facility; or
 - 3) The use of the facility as a livestock management or livestock waste handling facility is allowed by local zoning or municipal ordinance. If no local zoning or municipal ordinance exists that covers ~~that~~~~such~~ use, the facility shall be exempt if the livestock are not raised or kept at the facility primarily for hire or the raising or keeping of livestock at the facility does not have financial profit as a primary aim.
- e) A new livestock management facility or new livestock waste-handling facility

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~~that~~which locates within ¼ mile of a neighboring farm residence shall locate at the maximum feasible location from ~~that~~such residence.

- f) A new livestock management facility or new livestock waste-handling facility ~~that~~which locates within ¼ mile of a non-farm residence or within ½ mile of a populated area, ~~as allowed by~~ pursuant to subsection (d), shall locate at the maximum feasible location from ~~the~~such residence or populated area.
- g) New livestock management facilities or new livestock waste-handling facilities located on soil types or geological formations where the deposition of livestock waste is likely to cause groundwater pollution shall be constructed in such a way that pollution will be prevented, or supplementary measures shall be adopted ~~that~~which will prevent pollution.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.404 Handling and Storage of Livestock Waste

- a) Any livestock waste stored in excess of six months shall be contained in a manure storage structure.
- b) Temporary Manure Stacks
- 1) ~~A temporary manure stack is a potential secondary source, as defined by the Act. As a potential secondary source, a temporary manure stack is subject to the minimum setback zones established in Title IV of the Act. Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or groundwaters.~~
 - 2) ~~A temporary manure stack shall not be located within 75 feet from any water well, except monitoring wells. No temporary manure stack shall be constructed within 100 feet of a water well.~~
 - 3) ~~A temporary manure stack shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface waters or groundwaters. A cover and pad or other control must be provided to prevent runoff and leachate from entering surface waters and groundwater.~~

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- c) Livestock Waste-Holding Facilities
- 1) Liquid manure-holding tanks shall be impermeable and capable of withstanding pressures and loadings to which such a tank may be subjected.
 - 2) Holding ponds and lagoons shall be impermeable or so sealed as to prevent groundwater or surface water pollution.
 - 3) For livestock management facilities and livestock waste-handling facilities that are not required to obtain an NPDES permit, the contents of livestock waste-handling facilities shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year 24-hour storm.
 - 4) Liquid Livestock Waste
 - A) Existing livestock management facilities ~~that~~^{which} handle the waste in a liquid form shall have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination thereof so as not to cause air or water pollution as defined in the Act or applicable regulations. If inadequate storage time causes or threatens to cause a violation of the Act or applicable regulations, the Agency may require that additional storage time be provided. In such cases, interim pollution prevention measures may be required by the Agency.
 - B) New livestock waste-handling facilities ~~that~~^{which} handle the waste in a liquid form shall provide a minimum of 120-day storage with a liquid manure-holding tank, lagoon, holding pond, or any combination thereof unless the operator has justifiable reasons substantiating that a lesser storage volume is adequate. If inadequate storage volumes cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.
- d) Runoff Field Application Systems

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Any livestock management facility not meeting the definition of a CAFO in Section 501.238 may construct and operate a runoff field application system for the treatment of livestock waste from fewer than 300 animal units, meeting the requirements of 35 Ill. Adm. Code 570, in lieu of utilizing liquid manure-holding tanks, holding ponds, or lagoons in compliance with subsection (c), or other livestock waste-handling systems thatwhich would assure compliance with the Act and this 35 Ill. Adm. Code. Subtitle E.

- e) Subsections (a) through (d) shall not apply to livestock management facilities with fifty (50) or fewer animal units, provided that the following conditions exist:
- 1) The location of the facility relative to waters of the State is such that there is no discharge of livestock waste into waters of the State, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~);
 - 2) There is no discharge of livestock waste into waters of the State by means of a man-made ditch, flushing system or other similar man-made device, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~); and
 - 3) The facility is managed so that livestock waste is not allowed to accumulate to an extent thatwhich threatens to cause a discharge to waters of the State, in violation of Section 12 of the Act(~~Ill. Rev. Stat. 1989, ch. 111 ½, par. 1012~~).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 501.405 Field Application of Livestock Waste

- a) For livestock management facilities and livestock waste-handling facilities that are not required to obtain an NPDES permit, theThe quantity of livestock waste applied on soils shall not exceed a practical limit as determined by soil type, especially its permeability, the condition (frozen or unfrozen) of the soil, the percent slope of the land, cover mulch, proximity to surface waters and likelihood of reaching groundwater, and other relevant considerations. These livestock waste application guidelines will be adopted pursuant to 35 Ill. Adm. Code 502.305, unless otherwise provided for by Board regulations. Facilities required to obtain an NPDES permit are subject to the requirements in 35 Ill. Adm. Code 502.Subpart F. Unpermitted large CAFOs claiming an agricultural stormwater

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exemption must comply with 35 Ill. Adm. Code 502.102 and 502.510(b).

- b) Operators of livestock waste handling facilities shall practice odor control methods during the course of manure removal and field application so as not to affect a neighboring farm or non-farm residence or populated area by causing air pollution as described in Section 501.102(d). Odor control methods include, but are not limited to,
- 1) Soil injection or other methods of incorporation of waste into the soil, including disking or plowing;
 - 2) Consideration of climatic conditions, including wind direction and inversions;
 - 3) For liquid livestock waste: whether supernatant ~~which is~~ used for irrigation purposes has been stored in a livestock waste lagoon system ~~that~~which is designed and operated in accordance with "Design of Anaerobic Lagoons for Animal Waste Management", as incorporated by reference at Section 501.200.
 - 4) Other methods as described in "~~ManagementControl~~ of Manure Odors", as incorporated by reference at Section 501.200.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART D: SUBMITTAL OF INFORMATION

Section 501.505 Requirements for Certain CAFOs to Submit Information

- a) Existing CAFOs not covered by an NPDES permit must submit to the Agency the information listed in subsection (c) as follows:
- 1) Large CAFOs must submit the information within 90 days after the effective date of this Section.
 - 2) CAFOs with the same or fewer animals as the numbers of animals provided in 35 Ill. Adm. Code 502.103 that propose to stable or confine additional animals must submit the information 30 days prior to increasing

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the number of animals above the numbers provided in 35 Ill. Adm. Code 502.103.

- b) New CAFOs that commence construction after the effective date of this Section and have a capacity for animals greater than the numbers provided in 35 Ill. Adm. Code 502.103 must submit the information in subsection (c) 30 days prior to the commencement of operations if no NPDES permit application has been filed at that time.
- c) CAFOs covered by subsections (a) and (b) must submit the following information to the Agency:
- 1) name of all owners and operators of the facility and their mailing addresses and phone numbers;
 - 2) location of the facility identified by the street address or latitude and longitude;
 - 3) location of the facility according to township, county, section, and quarter section;
 - 4) for the previous 12-month period, identification of each animal type stabled or confined at the facility and maximum number of each animal type;
 - 5) identification of types of animal holding areas, including pastures, confinement barns, and open lots;
 - 6) identification of types and capacity of livestock waste containment and storage units, including, but not limited to, anaerobic lagoons, manure stacks, underground storage pits, and storage tanks; and
 - 7) date the information in this subsection (c) is submitted to the Agency.
- d) When a CAFO that has provided information to the Agency under this Section ceases operation, the owner or operator must submit a notification of termination to the Agency within 30 days after closure of the facility.

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e) Any CAFO required to submit information to USEPA pursuant to Section 308 of the Clean Water Act must submit the same information to the Agency simultaneously with the submittal to USEPA.

f) Any submittal required under this Section must be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Permit Section
P.O. Box 19276
Springfield, Illinois 62794-9276.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 502
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
502.101	Amend
502.102	Amend
502.103	Amend
502.104	Amend
502.105	Amend
502.106	Amend
502.201	Amend
502.202	Amend
502.203	Repeal
502.204	Amend
502.205	Repeal
502.207	Amend
502.304	Amend
502.310	New
502.315	New
502.320	New
502.325	New
502.500	New
502.505	New
502.510	New
502.515	New
502.520	New
502.600	New
502.605	New
502.610	New
502.615	New
502.620	New
502.625	New
502.630	New
502.635	New
502.640	New
502.645	New
502.710	New
502.720	New

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502.730	New
502.800	New
502.810	New
502.820	New
502.830	New
502.840	New

- 4) Statutory Authority: Implementing Sections 9, 10, 12, 13, 21, and 22 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/9, 10, 12, 13, 21, 22, and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A description of this proposal may be found in the Board's first-notice opinion and order of November 7, 2013, in docket R12-23.

The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend the Board's agriculture related pollution regulations. The Agency seeks to amend Part 502 so that it will be consistent with, and as stringent as, the current federal Concentrated Animal Feeding Operations (CAFO) regulations. The Agency also seeks to establish State technical standards required by the federal rule. The USEPA directed that Illinois needs to establish standards that address the rate at which manure, litter and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow. The Agency claimed that failure to amend these regulations could result in withdrawal of federal delegation to Illinois of the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Agency reported that it had not performed any new study or contracted with any other entity to perform one as a basis to develop its rulemaking proposal, so it had no "underlying data" to report.

The Agency stated that the following "provides a complete list of all documents and studies used in developing the proposal."

American Society of Agricultural and Biological Engineers
Management of Manure Odors, ASAE EP379.4 (Jan. 2007)

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Design of Anaerobic Lagoons for Animal Waste Management, ASABE EP403.4 (R2011)

Illinois Agronomy Handbook, 24th Edition; University of Illinois College of Agriculture, Consumer and Environmental Sciences

MidWest Plan Service

Livestock Waste Facilities Handbook, Third Edition, Third Printing (MWPS-18) April 1998

Manure Characteristics, Section 1, Second Edition (MWPS-18) (2004)

Recommended Chemical Soil Test Procedures for the North Central Region, North Central Regional Publication No. 221 Missouri Agricultural Experiment Station Bulletin SB 1001 (Jan. 1998)

Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils, Bulletin No. 810 (2000), revised 1/15/01 to amend Table B810, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research

Optimum Crop Productivity Ratings for Illinois Soils, Bulletin No. 811 (2000), revised 1/15/01 to amend Table S2 B811, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research

Livestock Management Facilities Act (510 ILCS 77)

Livestock Management Facilities Act Regulations (8 Ill. Adm. Code 900)

68 Fed. Reg. 7176 (Feb. 12, 2003)

Waterkeeper v. USEPA, 399 F.3d 486 (2nd Cir. 2005)

73 Fed. Reg. 70418 (Nov. 20, 2008)

November 2008 Compiled CFO NPDES Regulations and Effluent Limitations Guidelines and Standards

National Pork Producers Council, et al. v. USEPA, 635 F.3d 738 (5th Cir. 2011)

76 Fed. Reg. 65431 (Oct. 21, 2011)

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Allen, B.L. and A.P. Mallarino, Effects of Liquid Swine Manure Rate, Incorporation, and Timing of Rainfall on Phosphorus Loss with Surface Runoff, Journal of Environmental Quality 37: 125-37 (2008)

Standard Methods for the Examination of Water and Wastewater, 19th edition (1995), American Public Health Association

Good Environmental Livestock Production Practices: Concentrated Livestock Operations – Manure Utilization ANSI-GELPP 0004-2002

Curve Number Hydrology – State of the Practice, ASCE/EWRI Curve Number Hydrology Task Committee, American Society of Civil Engineers (2009)

Barker, J.C., Lagoon Design and Management for Livestock Waste Treatment and Storage North Carolina Cooperative Extension Service EBAE 103-83 (1996)

Brady, N.C., Nature and Properties of Soils, 8th Edition (1974)

Daverede, I.C., et al., Phosphorus Runoff: Effect of Tillage and Soil Phosphorus Levels, Journal of Environmental Quality 32: 1436-44 (2003)

Daverede, I.C., et al. Phosphorus Runoff from Incorporated and Surface-Applied Liquid Swine Manure and Phosphorus Fertilizer, Journal of Environmental Quality 33: 1535-44 (2004)

Dillaha, T.A., et al., Vegetative Filter Strips for Agricultural Non-Point Source Pollution Control, Trans. ASAE 32: 513-19 (1989)

Funk, T., et al., Developing and Managing Livestock Waste Lagoons in Illinois, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research Circular 1326

Garen, D.C. and D.S. Moore, Curve Number Hydrology in Water Quality Modeling, Uses, Abuses, and Future Directions, Journal of the American Water Resources Association, Paper No. 03127, 377-88 (2005)

Hawkins, R.H., et al., Continuing Evolution of Rainfall-Runoff and the Curve Number Precedent, Second Joint Federal Interagency Conference (2010)

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Jones, D.J. and A.L. Sutton, Design and Operation of Livestock Waste Lagoons, Purdue University Cooperative Extension Service ID-120 (Sept, 1999)

Lewis, R.J., Hawley's Condensed Chemical Dictionary, 12th Edition (1993)

Mayer, P.M., et al., Meta-Analysis of Nitrogen Removal in Riparian Buffers, Journal of Environmental Quality 36: 1172-80 (2007)

Peters, J., et al. Recommended Methods of Manure Analysis (2003), available at <http://uwlab.soils.wisc.edu/pubs/A3769.pdf> (posted Mar. 4, 2003, verified Aug. 20, 2011)

Ponce, V.M. and R.H. Hawkins, Runoff Curve Number: Has It Reached Maturity, Journal of Hydrologic Engineering, ASCE 1(1) (Jan. 1996)

Pote, D.H. et al., Water Quality Effects of Incorporating Poultry Litter into Perennial Grassland Soils," Journal of Environmental Quality 32(6): 2392-98 (2003)

Sharpley, A.N., et al., Phosphorus Movement in the Landscape, J. Prod. Agric. 6: 492-500 (1993)

Sharpley, A.N., et al., Determining Environmentally Sound Soil Phosphorus Levels, J. Soil and Water Cons. 51(2): 160-66 (1996)

United States Department of Agriculture – Natural Resource Conservation Service, Nutrient Management Code 590, Illinois (Jan. 2002)

United States Department of Agriculture – Natural Resource Conservation Service, Waste Utilization Code 633, Illinois (Jan. 2002)

United States Department of Agriculture – Natural Resource Conservation Service, Nutrient Management Code 590, Illinois (Oct. 2003)

United States Department of Agriculture – Natural Resource Conservation Service, National Engineering Handbook, Part 630 Hydrology, Chapter 10 Estimation of Direct Runoff from Storm Rainfall (2004)

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United States Environmental Protection Agency, Cost Methodology for the Final Revisions to the National Pollutant Discharge Elimination System Regulations and the Effluent Guidelines for Concentrated Animal Feeding Operations (Dec. 2002)

United States Environmental Protection Agency, Managing Manure Nutrients at Concentrated Animal Feeding Operations (2004)

United States Department of Agriculture – Natural Resource Conservation Service, Illinois Engineering Field Handbook, Illinois Hydrologic Soil Groups, Notice 29 (Oct. 2007), available at <ftp://ftp-fc.sc.egov.usda.gov/IL/engineer/supplements/2-42.9to2-42.16.pdf> (last modified Nov. 16, 2009, viewed Aug. 30, 2011)

United States Department of Agriculture – Natural Resource Conservation Service, Illinois NRCS Standard Grassed Waterway – Conservation Practice Standard – Code 412 (Mar. 2008)

United States Department of Agriculture – Natural Resource Conservation Service, Soil Survey of Piatt County (2010)

United States Department of Agriculture, Agricultural Research Service, Oxford Sedimentation Lab at <http://www.ars.usda.gov/Research/docs.htm?docid=6010> (viewed Aug. 29, 2011)

United States Environmental Protection Agency, Method 350.1 Determination of Ammonia Nitrogen by Semi-Automated Colorimetry, Revision 2.0 (Aug. 1993)

United States Environmental Protection Agency, NPDES Permit Writer's Guidance Manual and Example NPDES Permit for Concentrated Animal Feeding Operations, (Dec. 2003)

Van Mullem, J.A., et al., Runoff Curve Number Method: Beyond the Handbook at ftp://ftp-fc.sc.egov.usda.gov/NWMC/CN_info/Van_Mullem_paper.doc (viewed Aug. 31, 2011)

Wisconsin Administrative Code NR 243 Animal Feeding Operations at <http://legis.wiconsin.gov/rsb/code/nr/nr243.pdf>

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Zhang, X.Y., et al., A Review of Vegetated Buffers and a Meta-Analysis of Their Mitigation Efficiency in Reducing Nonpoint Source Pollution, Journal of Environmental Quality 39(1): 76-84

- 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: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R12-23 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R12-23 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: By aligning Illinois' rules with current federal CAFO regulations and implementing required technical standards, the proposed rules could apply to any livestock management facilities and livestock waste-handling facilities in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments to Part 502 implement federal requirements and would

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require specified facilities to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Permit applications would be required to include specified information. The proposed amendments to Part 502 also require specified facilities to maintain records of and submit an annual report of their operations.

- C) Types of professional skills necessary for compliance: Although the proposed amendments to Part 502 would require that a nutrient management plan indicate whether it was prepared by a certified nutrient management planner, the proposal does not require that a certified planner prepare it. The Board does not expect that professional skills beyond those currently required for recordkeeping and other requirements will be necessary for compliance.
- 14) Regulatory Agenda in which these amendments were summarized: 7/13 (37 Ill. Reg. 9060

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 502
PERMITS

SUBPART A: PERMITS REQUIRED

Section	
502.101	NPDES Permit Requirement and Duty to Maintain Permit Coverage
502.102	Land Application Discharges and Agricultural Stormwater Twenty-five Year Storm Event
502.103	Very-Large CAFOs Operators
502.104	Medium CAFOs Large Operators
502.105	Small CAFOs Voluntary Applications
502.106	Case-By-Case Case-by-case Designation Requiring NPDES Permits

SUBPART B: PERMIT APPLICATIONS

Section	
502.201	Permit Applications Contents
502.202	Permit Application Submissions Registered or Certified Mail
502.203	New Applications (Repealed)
502.204	Renewal
502.205	New Operations (Repealed)
502.206	Signatures
502.207	Disclosure Required for Land Trusts

SUBPART C: PERMIT ISSUANCE AND CONDITIONS

Section	
502.301	Standards for Issuance
502.302	Duration of Permits
502.303	New Source Standards
502.304	Issuance and Conditions
502.305	Agency Criteria
502.310	CAFOs Seeking Coverage Under NPDES General Permits
502.315	CAFO Permit Requirements

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[502.320](#) [Recordkeeping Requirements](#)
[502.325](#) [Annual Report](#)

SUBPART D: APPEAL AND ENFORCEMENT

Section
502.401 Appeals from Conditions in Permits
502.402 Defenses
502.403 Modification or Termination of Permits

[SUBPART E: REQUIREMENTS FOR DEVELOPING AND
IMPLEMENTING NUTRIENT MANAGEMENT PLANS](#)

[Section](#)
[502.500](#) [Purpose, Scope and Applicability](#)
[502.505](#) [Nutrient Management Plan Information](#)
[502.510](#) [Nutrient Management Plan Requirements](#)
[502.515](#) [Terms of Nutrient Management Plan](#)
[502.520](#) [Changes to the Nutrient Management Plan](#)

[SUBPART F: LIVESTOCK WASTE DISCHARGE LIMITATIONS
AND TECHNICAL STANDARDS](#)

[Section](#)
[502.600](#) [Applicability](#)
[502.605](#) [Livestock Waste Discharge Limitations for the Production Area for Permitted
CAFOs](#)
[502.610](#) [Additional Measures for CAFO Production Areas](#)
[502.615](#) [Nutrient Transport Potential](#)
[502.620](#) [Protocols to Land Apply Livestock Waste](#)
[502.625](#) [Determination of Livestock Waste Application Rates](#)
[502.630](#) [Protocols to Land Apply Livestock Waste During Winter](#)
[502.635](#) [Manure and Soil Sampling and Analysis](#)
[502.640](#) [Inspection of Land Application Equipment for Leaks](#)
[502.645](#) [Land Application Setback Requirements](#)

[SUBPART G: ADDITIONAL LIVESTOCK WASTE DISCHARGE LIMITATIONS](#)

[Section](#)

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- [502.710](#) [New Source Performance Standards for Dairy Cows and Cattle Other Than Veal Calves](#)
- [502.720](#) [Horse and Sheep CAFOs: BPT, BAT and NSPS](#)
- [502.730](#) [Duck CAFOs: BPT and NSPS](#)

[SUBPART H: NEW SOURCE PERFORMANCE STANDARDS FOR
NEW SWINE, POULTRY AND VEAL LARGE CAFOS](#)

[Section](#)

- [502.800](#) [Applicability](#)
- [502.810](#) [Production Area Requirements](#)
- [502.820](#) [Land Application Area Requirements](#)
- [502.830](#) [Alternative Best Management Practice Livestock Waste Discharge Limitations](#)
- [502.840](#) [Technical Evaluation](#)

502.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 9, 10, 12, 13, 21, and 22 of the Environmental Protection Act [415 ILCS 5/9, 10, 12, 13, 21, 22] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10594; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: PERMITS REQUIRED

Section 502.101 NPDES Permit [Requirement and Duty to Maintain Permit Coverage](#)

- a) [A controlled animal feeding operation \(CAFO\) is a point source. Any discharge of pollutants into waters of the United States from a CAFO is prohibited unless authorized by an NPDES permit or unless the discharge is an agricultural stormwater discharge as described in Section 502.102\(b\). No person shall cause or allow a discharge from a CAFO in violation of federal or State law, including but not limited to the Clean Water Act \(CWA\) \(33 USC 1251\), the Act or Board regulations.](#)
- b) [The owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges.](#)

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- c) The owner or operator of a CAFO that discharges must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit. If the Agency has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the Agency. All permit applications and applications for permit modifications must contain the information set forth in Subpart B.
- d) Any permitted CAFO shall apply for reissuance of the NPDES permit not less than 180 days prior to the expiration date of the permit unless the CAFO will not discharge after the expiration date of the NPDES permit.
- e) The owner or operator of a new CAFO that will discharge must apply for NPDES permit coverage at least 180 days prior to the time that the CAFO commences operation.
- f) Once an animal feeding operation (AFO) is defined as a CAFO for at least one type of animal, the NPDES permit requirements for CAFOs apply with respect to the all animals in confinement at the animal feeding operation and all livestock waste generated by those animals or the production of those animals.

~~No person specified in Sections 502.102, 502.103 or 502.104 or required to have a permit under the conditions of Section 502.106 shall cause or allow the operation of any new livestock management facility or livestock waste handling facility, or cause or allow the modification of any livestock management facility or livestock waste handling facility, or cause or allow the operation of any existing livestock management facility or livestock waste handling facility without a National Pollutant Discharge Elimination System (NPDES) permit. Facility expansions, production increases, and process modifications which significantly increase the amount of livestock waste over the level authorized by the NPDES permit must be reported by submission of a new NPDES application.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.102 Land Application Discharges and Agricultural Stormwater ~~Twenty-five Year Storm Event~~

- a) The discharge of livestock waste to waters of the United States from a CAFO as a result of the livestock waste application by the CAFO to land application areas is a discharge from that CAFO subject to NPDES permit requirements, except when

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it is an agricultural stormwater discharge and therefore exempt from the definition of a point source under section 502 of the Clean Water Act.

- b) Where livestock waste has been land applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste and in compliance with Section 502.510 for permitted CAFOs and Section 502.510(b) for unpermitted Large CAFOs, a precipitation-related discharge of livestock waste from land application areas of an unpermitted large CAFO or a permitted CAFO is an agricultural stormwater discharge.
- c) Unpermitted large CAFOs must maintain the documentation specified in Section 502.510(b)(16), either on site or at a nearby office, or otherwise make that documentation readily available to the Agency upon request.

An NPDES permit shall be required for an animal feeding operation which falls within the criteria set forth in Section 502.103 or Section 502.104 below; provided, however, that no animal feeding operation shall require a permit if it discharges only in the event of a 25-year 24-hour storm event.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.103 ~~Very Large~~ CAFOs Operators

An animal feeding operation is defined as a large CAFO if at least ~~NPDES permit is required if~~ more than the numbers of animals specified in any of the following categories are stabled or confined:

<u>Number of Animals</u>	<u>Kind of Animals</u>
<u>700</u>	<u>Mature dairy cows, whether milked or dry</u>
<u>1,000</u>	<u>Veal calves</u>
<u>1,000</u>	<u>Cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.</u>
<u>2,500</u>	<u>Swine, each weighing 55 pounds or more</u>
<u>10,000</u>	<u>Swine, each weighing less than 55 pounds</u>
<u>500</u>	<u>Horses</u>
<u>10,000</u>	<u>Sheep or lambs</u>
<u>55,000</u>	<u>Turkeys</u>

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<u>30,000</u>	<u>Laying hens or broilers, if the AFO uses a liquid manure handling system</u>
<u>125,000</u>	<u>Chickens (other than laying hens), if the AFO uses other than a liquid manure handling system</u>
<u>82,000</u>	<u>Laying hens, if the AFO uses other than a liquid manure handling system</u>
<u>30,000</u>	<u>Ducks, if the AFO uses other than a liquid manure handling system</u>
<u>5,000</u>	<u>Ducks, if the AFO uses a liquid manure handling system</u>

<u>Number of Animals</u>	<u>Kind of Animals</u>
1000	Brood cows and slaughter and feeder cattle
700	Milking dairy cows
500	Horses
2500	Swine weighing over 55 pounds
10,000	Sheep, lambs or goats
50,000	Turkeys
100,000	Laying hens or broilers (if the facility has continuous overflow watering)
30,000	Laying hens or broilers (if the facility has a liquid manure handling system)
5000	Ducks
1000	Animal units

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.104 Medium CAFOs ~~Large Operators~~

- a) An animal feeding operation is defined as a medium CAFONPDES permit is required if more than the following numbers and types of animals specified in any of the following categories are stabled or confined and the provisions of subsection ~~either condition~~ (b), ~~or~~ (c) or (d) ~~below~~ of this Section is met:

<u>Number of Animals</u>	<u>Kind of Animals</u>
<u>200 to 699</u>	<u>Mature dairy cows, whether milked or dry</u>
<u>300 to 999</u>	<u>Veal calves</u>
<u>300 to 999</u>	<u>Cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.</u>

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<u>750 to 2,499</u>	<u>Swine, each weighing 55 pounds or more</u>
<u>3,000 to 9,999</u>	<u>Swine, each weighing less than 55 pounds</u>
<u>150 to 499</u>	<u>Horses</u>
<u>3,000 to 9,999</u>	<u>Sheep or lambs</u>
<u>16,500 to 54,999</u>	<u>Turkeys</u>
<u>9,000 to 29,999</u>	<u>Laying hens or broilers, if the AFO uses a liquid manure handling system</u>
<u>37,500 to 124,999</u>	<u>Chickens (other than laying hens), if the AFO uses other than a liquid manure handling system</u>
<u>25,000 to 81,999</u>	<u>Laying hens, if the AFO uses other than a liquid manure handling system</u>
<u>10,000 to 29,999</u>	<u>Ducks, if the AFO uses other than a liquid manure handling system</u>
<u>1,500 to 4,999</u>	<u>Ducks, if the AFO uses a liquid manure handling system</u>

<u>Number of Animals</u>	<u>Kind of Animals</u>
300	Brood cows and slaughter and feeder cattle
200	Milking dairy cows
750	Horses
150	Swine weighing over 55 pounds
3000	Sheep, lambs or goats
16,000	Turkeys
30,000	Laying hens or broilers (if the facility has continuous overflow watering)
9000	Laying hens or broilers (if the facility has a liquid manure handling system)
1000	Ducks
300	Animal units

- b) Pollutants are discharged into ~~navigable~~ waters of the United States through a man-made ditch, flushing system or other similar man-made device; ~~or~~
- c) Pollutants are discharged directly into ~~navigable~~ waters of the United States ~~that~~which originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation; or:
- d) The AFO is designated as a CAFO by the Agency pursuant to Section 502.106.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.105 Small CAFOs~~Voluntary Applications~~

An animal feeding operation is a small CAFO if it is designated as a CAFO by the Agency pursuant to Section 502.106, and it is not a Medium CAFO. None of the requirements listed in this subpart precludes the voluntary filing of an NPDES application by the owner or operator of an animal feeding operation.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.106 Case-By-Case~~Case-by-case~~ Designation Requiring NPDES Permits

- a) Notwithstanding any other provision of this Part, the Agency may require any animal feeding operation~~animal feeding operation~~ not falling within Section~~Sections~~ 502.102, 502.103 or 502.104 to obtain an NPDES~~a~~ permit by designating the AFO as a CAFO upon determining that it is a significant contributor of pollutants so waters of the United States. In making the determination of whether the AFO is a significant contributor of pollutants, such designation~~the~~ the Agency shall consider the following factors:
- 1) The size of the AFO~~animal feeding operation~~ and the amount of livestock wastes reaching navigable~~waters of the United States~~;
 - 2) The location of the AFO~~animal feeding operation~~ relative to navigable waters of the United States;
 - 3) The means of conveyance of livestock~~animal~~ wastes and process wastewaters into navigable~~waters of the United States~~;
 - 4) The slope, vegetation, rainfall and other factors relative to the likelihood or frequency of discharge of livestock waste~~animal wastes and process wastewaters~~ into navigable~~waters of the United States~~; and
 - 5) Other such factors bearing on the significance of the pollution problem sought to be regulated.
- b) The Agency, however, may not require a permit under subsection (a)~~paragraph a)~~ for any AFO~~animal feeding operation~~ with less than the number of animals~~animal~~

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~~units (300)~~ set forth in Section 502.104 ~~above~~, unless it meets either of the following conditions:

- 1) Pollutants are discharged into ~~navigable~~-waters of the United States through a man-made ditch, flushing system or other similar man-made device; or
 - 2) Pollutants are discharged directly into ~~navigable~~-waters of the United States that~~which~~ originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.
- c) In no case may a permit application be required from an ~~AFO~~animal feeding operation designated pursuant to this ~~Section~~section until there has been an onsite inspection of the operation and a determination that the operation should and could be regulated under the permit program. ~~In addition, no application may be required from an owner or operator of an animal feeding operation designated pursuant to this section unless the owner or operator is notified in writing of the requirement to apply for a permit.~~
- d) Upon receipt of the Agency's notification that an NPDES permit is required pursuant to ~~this Section, paragraph b)~~ the operator shall make application to the Agency within ~~90~~60 days. The Agency may issue an NPDES permit with a compliance schedule detailing interim steps to be taken along with a final date, not to exceed 14 months from the date the permit is issued, by which compliance with the Act and all applicable regulations shall be achieved.
- e) The Agency will notify the owner or operator in writing of the Agency's decision to designate the AFO as a CAFO under this Section and the grounds for the designation. The owner or operator may file an appeal of the Agency's decision with the Board within 35 days after the date on which the Agency served the decision pursuant to Section 40(a) of the Act and 35 Ill. Adm. Code 105. ~~No animal feeding operation may be required to have a permit if it discharges only in the event of a 25-year 24-hour storm event.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

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Section 502.201 Permit ApplicationsContents

- a) All applications from a new or existing CAFO for any permit, including an individual permit or a general permit, required under this Chapter shall contain, where appropriate, the following information and documents:
- 1) The name of the owner or operator;
 - 2) The facility location and mailing addresses;
 - 3) The latitude and longitude at the entrance to the production area;
 - 4) Specific information about the average and maximum number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other); ~~Kinds and numbers of livestock;~~
 - 52) A statement as to any projected changes in the size of the livestock operation and when they may occur during the term of the permit;
 - 63) The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, and process wastewater storage (in tons or gallons); ~~Description of land areas used for the livestock management facilities and livestock waste handling facilities and land areas used for livestock waste disposal;~~
 - 74) A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area and land application areas, and indicating the following: ~~A sketch of the existing and/or proposed facility indicating the following:~~
 - A) Approximate overall dimensions of the facility;
 - AB) Direction and location of surface and subsurface drainage and other discharges from the facility; and

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- ~~B~~C) ~~Location~~~~General location~~ of waterways in the area;
- ~~D~~) ~~Location of area for manure disposal; and~~
- ~~E~~) ~~A marked-up aerial photograph or U.S. Geological Survey map of the area involved is desirable in lieu of a sketch.~~
- 8) Estimated amounts of livestock waste generated per year (in tons or gallons);
- 9) The total number of acres of land application area and the estimated amount of waste to be applied to those acres per year;
- 10) Estimated amount of livestock waste transferred to other persons per year (in tons or gallons);
- 11) A nutrient management plan that is consistent with the requirements of Subpart E;
- 12) A stormwater pollution prevention plan;
- 13) A spill control and prevention plan; and
- 14) A statement identifying and justifying any departure from current design criteria promulgated by the Agency.
- b) The Agency may adopt procedures requiring such additional information as is necessary to determine whether the ~~CAFO livestock management facility or livestock waste handling facility~~ will meet the requirements of the Act and applicable Board ~~regulations~~regulations.
- c) Applicable requirements of 35 Ill. Adm. Code 309: Subpart A shall apply to applications for NPDES permits required by this ~~Chapter~~chapter. The Agency may prescribe the form in which information required under this ~~Section~~section shall be submitted.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.202 Permit Application Submissions~~Registered or Certified Mail~~

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All permit applications shall be mailed, ~~or delivered~~ or electronically submitted to the appropriate address designated by the Agency. ~~Any application or revised application sent by mail shall be sent by registered or certified mail, return receipt requested. Applications which are hand delivered shall be delivered to and receipted for by any authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.203 New Applications (Repealed)

~~Any person now discharging whose discharge was not covered by the Refuse Act permit program (33 U.S.C. 407), but which is subject to the NPDES program, must apply for an NPDES permit on the effective date of this chapter. However, for purposes of this chapter, any person who has applied for an NPDES permit from the U.S. Environmental Protection Agency and whose application has not been denied, shall be considered to have applied for an NPDES permit unless the discharge described in the Application for an NPDES Permit has substantially changed in nature, volume, or frequency; in which case another NPDES permit application shall be submitted.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 502.204 Renewal

Permittees seeking reissuance of their NPDES permit pursuant to Section 502.101(d) ~~who wish to continue to discharge subsequent to the expiration date of their permit~~ must apply for reissuance of the permit, using proper forms, not less than 180 days prior to the permit expiration date. The Agency will notify ~~those such~~ persons of the need for renewal at least 60 days prior to the date on which the renewal application must be submitted; however, failure to do so does not excuse non-compliance with this ~~Chapter~~ chapter.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.205 New Operations (Repealed)

~~Any person whose livestock waste handling facility or livestock management facility is required by Sections 502.101, 502.102, 502.103 or 502.104 to obtain a permit and will begin operation on or after the effective date of these Regulations must apply for an NPDES permit no later than 180 days in advance of the date on which the facility is to commence operation minus the~~

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~~number of days available storage time for installed manure storage structures.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 502.207 Disclosure Required for Land Trusts

An applicant filing for an NPDES permit shall satisfy the requirements of [the Land Trust Beneficial Interest Disclosure Act \[735 ILCS 405\]](#) ~~"An Act to Require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust, in certain cases"~~ (Ill. Rev. Stat. 1981, ch. 148, par. 72) before the Agency grants the applicant its permit.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: PERMIT ISSUANCE AND CONDITIONS

Section 502.304 Issuance and Conditions

- a) The provisions of 35 Ill. Adm. Code 309: Subpart A shall apply to the issuance, conditions and modification of NPDES permits under this ~~Chapter~~^{chapter} in the same manner as ~~thosesueh~~ provisions apply to NPDES permits issued pursuant to 35 Ill. Adm. Code 309. [Specific provisions applicable to CAFOs seeking coverage under NPDES general permits are found in Section 502.310.](#)
- b) In addition to specific conditions authorized under this Part, the Agency may impose such conditions in any permit issued pursuant to this Part as may be necessary to accomplish the purposes of the Act or Board regulations.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 502.310 CAFOs Seeking Coverage Under NPDES General Permits

- a) [CAFO owners or operators must submit a notice of intent that meets the requirements of Section 502.201 and Subpart E of this Part when seeking authorization to discharge under a general permit.](#)
- b) [When additional information is necessary to complete the notice of intent or to clarify, modify, or supplement previously submitted material, the Agency may request that information from the owner or operator as provided in 35 Ill. Adm. Code 309.106.](#)

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- c) The Agency must notify the public of its proposal to grant coverage under the general permit to the CAFO. This public notice must include the CAFO's nutrient management plan.
- d) The process for submitting public comments and hearing requests, and the hearing process if a request for a hearing is granted, will follow the procedures applicable to draft individual permits found in 35 Ill. Adm. Code 309.109(b) and 309.115 through 309.118.
- e) The time period for the public to comment and request a hearing is 30 days following the date of the notice issued pursuant to subsection (c).
- f) When a public hearing is held, the Agency must respond to significant comments received during the comment period as provided in 35 Ill. Adm. Code 309.119 and 309.120, except that notice and transmission to the USEPA Regional Administrator is not required. If no hearing is held, the Agency shall follow the procedures in 35 Ill. Adm. Code 309.112 and 309.120 for Agency action after the comment period. If necessary, the Agency will require the CAFO owner or operator to revise the nutrient management plan in order to be granted permit coverage.
- g) When the Agency authorizes coverage for the CAFO owner or operator under the general permit, the terms of the nutrient management plan shall become incorporated as terms and conditions of the permit for the CAFO. This incorporation of terms and conditions does not require a modification of the general permit.
- h) The Agency shall notify the CAFO owner or operator and inform the public that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.
- i) Nothing in this Section shall limit the Agency's authority to require an individual NPDES permit pursuant to Section 39(b) of the Act.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.315 CAFO Permit Requirements

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NPDES permits issued to CAFOs under this Part must include:

- a) Requirements to implement a nutrient management plan that meets the provisions of Subpart E.
- b) Requirements for the permittee to create, maintain for five years from creation on site, and make available to the Agency, upon request, a complete copy of the records required in Section 502.320.
- c) Annual reporting requirements for permitted CAFOs. The permittee must submit an annual report to the Agency. The annual report must include the information specified in Section 502.325.
- d) Requirements to comply with the livestock waste discharge limitations in Subparts F, G and H, if applicable.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.320 Recordkeeping Requirements

The permittee must create, maintain for five years, and make available to the Agency, upon request, the following records:

- a) A copy of all applicable records identified pursuant to Section 502.510(b)(16);
- b) A copy of the information required under Section 502.201;
- c) Records documenting the visual inspections required under Section 502.610(c);
- d) Weekly records of the depth of the manure and process wastewater in the liquid livestock waste storage as indicated by the depth marker, as described in Section 502.610(d);
- e) Records documenting any actions taken to correct deficiencies as required by Section 502.610(e) and (f). Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;
- f) Records of mortalities management and practices used by the facility to meet the requirements of Section 502.610(g);

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- g) Records documenting the current design of any livestock waste storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
- h) Records of the date, time, and estimated volume of any overflow;
- i) A copy of the facility's site-specific nutrient management plan;
- j) Expected crop yields for land application areas;
- k) The dates livestock waste is applied to each land application area;
- l) Records documenting subsurface drainage inspections conducted according to the plan developed pursuant to Section 502.510(b)(13);
- m) Results from livestock waste and soil sampling;
- n) Explanation of the basis for determining livestock waste application rates;
- o) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than livestock waste;
- p) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- q) The method used to apply the livestock waste;
- r) Date of livestock waste application equipment inspection;
- s) Maximum number and type of animals, whether in open confinement or housed under roof by the following types: beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, turkeys, ducks, other;
- t) All records necessary to prepare the annual report required by Section 502.325;
- u) Total number of acres of land application area covered by the nutrient management plan;

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- v) The quantity of livestock waste removed when a manure storage area or waste containment area is dewatered;
- w) The following information for each day during which livestock wastes are applied to land:
- 1) the amount applied to each field in either gallons, wet tons or dry tons per acre;
 - 2) soil water conditions at the time of application (such as dry, saturated, flooded, frozen, snow-covered);
 - 3) an estimate of the amount of precipitation 24 hours prior to, and for 24 hours after, the application;
 - 4) the type of application method used (surface, surface with incorporation, or injection);
 - 5) the location of the field where livestock waste was applied;
 - 6) the results of leak inspection of livestock waste application equipment;
 - 7) the name and address of off-site recipients of livestock waste, the amount of waste transferred to each off-site recipient in gallons or dry tons, off-site location on a topographic map, and acreage of each site used by the off-site recipient;
 - 8) Weather conditions, including precipitation, air temperature, wind speed, wind direction and dew point, at time of land application and for 24 hours prior to and for 24 hours following application; and
 - 9) Records of the weather forecasts required to be maintained pursuant to Sections 502.620(d) and 502.630(b)(3), (4), and (5);
- x) The laboratory analysis sheets reporting the analysis of the livestock waste samples shall be kept on file at the facility for the term of the permit and for 5 years after expiration of the permit; and

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- y) Records documenting the test methods and sampling protocols for manure, litter and process wastewater and soil analyses.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.325 Annual Report

- a) The NPDES permit must specify annual reporting requirements for the CAFO. The annual report must be submitted to the Agency.
- b) The annual report must contain the following minimum elements:
- 1) Maximum number and type of animals, whether in open confinement or housed under roof by the following types: beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, turkeys, ducks, other;
 - 2) Quantity of livestock waste generated by the facility in the previous 12 months (tons/gallons);
 - 3) Quantity of livestock waste transferred to another person by the facility in the previous 12 months (in tons or gallons);
 - 4) Total number of acres of land application area covered by the nutrient management plan;
 - 5) Total number of acres the CAFO used for land application of livestock waste in the previous 12 months and were under the control of the CAFO through ownership, lease, or consent agreement;
 - 6) A statement indicating whether the current version of the CAFO's nutrient management plan for land application of livestock waste was developed or approved by a certified nutrient management planner and by whom the certification was issued;
 - 7) Summary of all livestock waste discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;

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- 8) A report of instances of non-compliance with the NPDES permit in the previous 12 months;
- 9) The actual crops planted and actual yields for each field;
- 10) The actual nitrogen and phosphorus content of the livestock waste;
- 11) The results of calculations conducted in accordance with Section 502.515(d)(3) and (e)(3);
- 12) The amount of livestock waste land applied to each field during the previous 12 months;
- 13) For any CAFO that implements a nutrient management plan that addresses rates of application in accordance with Section 502.515(e):
 - a) the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months;
 - b) data used in calculations conducted in accordance with Section 502.515(e)(3); and
 - c) the amount of any supplemental fertilizer applied during the previous 12 months; and
- 14) Annual review of the nutrient management practices to be implemented and an update of the nutrient management plan when there is a change in the nutrient management practices.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: REQUIREMENTS FOR DEVELOPING AND
IMPLEMENTING NUTRIENT MANAGEMENT PLANS

Section 502.500 Purpose, Scope and Applicability

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The requirements in this Subpart are intended to minimize the transport of nitrogen and phosphorus to waters of the United States in compliance with the nutrient management plan developed by the CAFO owner or operator.

- a) The requirements in this Subpart apply to CAFOs required to obtain an NPDES permit. Unpermitted large CAFOs claiming an agricultural stormwater exemption must comply with Sections 502.102 and 502.510(b).
- b) The CAFO owner or operator shall develop, submit and implement a site specific nutrient management plan. This plan shall specifically identify and describe practices that will be implemented to assure compliance with this Subpart and the livestock waste discharge limitations and technical standards of Subparts F, G, and H.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.505 Nutrient Management Plan Information

The nutrient management plan shall contain, at a minimum, the following items:

- a) Name, address, and phone number of the owners of the CAFO;
- b) Name, address, and phone number of the managers or operators if different than the owners;
- c) Address, phone number, and plat location of the CAFO production area;
- d) Name of the person who developed the nutrient management plan and a statement indicating whether it was developed or approved by a certified nutrient management planner and by whom the certification was issued;
- e) Type of waste storage for the CAFO;
- f) Species, size and maximum number of animals at the CAFO;
- g) Scaled aerial photos or maps depicting each field available and intended for livestock waste applications with available acreage listed and indicating residences, non-farm businesses, common places of assembly, streams, wells, waterways, lakes, ponds, rivers, drainage ditches, subsurface drainage systems,

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other water sources, 10-year flood plain, buffers, slope, locations of structural Best Management Practices, setbacks and areas restricted from application by this Subpart E;

- h) For land application areas not owned or rented by the owner or operator of the CAFO, copies of the statement of consent between the owner or operator of the livestock facilities and the owner of the land where livestock waste will be applied;
- i) Cropping schedule for each field for the past year, anticipated crops for the current year, and anticipated crops for the five year term of the permit;
- j) Realistic crop yield goal for each crop in each field;
- k) An estimate of the nutrient value of the livestock waste or results of livestock waste analysis determined pursuant to Section 502.625(c);
- l) Livestock waste application methods;
- m) Results of the Bray P1 or Mehlich 3 test for soil phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200, reported in pounds of elemental phosphorus per acre. If the livestock waste is to be land applied based on a single year or multi-year phosphorus application on the land application area, the following items must be provided:

 - 1) An estimate of the volume of livestock waste to be disposed of annually;
 - 2) The phosphorus content of the livestock waste;
 - 3) The phosphorus amount needed for each crop in the planned crop rotation, expressed as pounds of P₂O₅ per acre, obtained from the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200; and
 - 4) The maximum livestock waste application rate based on phosphorus for each field, determined pursuant to Section 502.625(g).
- n) Calculations showing the following:

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- 1) An estimate of the volume of livestock waste to be disposed of annually;
 - 2) Nitrogen loss due to the method of storage, if applicable;
 - 3) Amount of nitrogen available for application;
 - 4) Nitrogen loss due to the method of application;
 - 5) Amount of plant-available nitrogen including first-year mineralization of organic nitrogen;
 - 6) Amount of nitrogen required by each crop in each field based on realistic crop yield goal;
 - 7) Nitrogen credits from previous crops, from other sources of fertilizer applied for the growing season, and from any livestock waste applications during the previous three years for each field;
 - 8) Livestock waste application rate based on nitrogen for each field; and
 - 9) Land area required for application;
- o) A listing of fields and the planned livestock waste application amounts for each field.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.510 Nutrient Management Plan Requirements

- a) Any permit issued to a CAFO must include a requirement to implement a nutrient management plan by the date of permit coverage that, at a minimum, contains best management practices necessary to meet the requirements of this Section and the applicable livestock discharge limitations and technical standards in 35 Ill. Adm. Code 501 and 502.
- b) The nutrient management plan must specify and demonstrate:

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- 1) The livestock waste application rate of nitrogen in a single year and phosphorus in a single year or multiple years, not to exceed the single year crop nitrogen and single year or multi-year phosphorus requirements for realistic crop yield goals in the rotation;
- 2) Adequate land application area for livestock waste application, which may include:
 - A) land owned by the CAFO owner or operator;
 - B) land leased by the CAFO;
 - C) land covered by a consent agreement between the CAFO owner or operator and the property owner; or
 - D) any combination of the land described in subsection (b)(2)(A) through (C);
- 3) Adequate storage of livestock waste, including procedures to ensure proper operation and maintenance of the storage facilities;
- 4) Proper management of mortalities to ensure that they are not disposed of in a liquid livestock waste or stormwater storage or treatment system that is not specifically designed to treat animal mortalities;
- 5) That clean water is diverted, as appropriate, from the production area;
- 6) Prevention of direct contact of confined animals with waters of the United States;
- 7) That chemicals and other contaminants handled on-site are not disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants;
- 8) Appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices, to control runoff of pollutants to waters of the United States;

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- 9) Protocols for appropriate testing of livestock waste and soil. Livestock waste must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of twice every five years for phosphorus content. The results of these analyses are to be used in determining application rates for livestock wastes;
- 10) Protocols to land apply livestock waste in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste;
- 11) Livestock waste shall not be applied within the distance from residences provided in Section 502.645(a) and within the areas prohibited from land application by this Part;
- 12) A winter time land application plan that meets the requirements of Section 502.630;
- 13) The plan for the inspection, monitoring, management and repair of subsurface drainage systems at the livestock waste application site. Inspection of subsurface drainage systems shall include visual inspection prior to land application to determine failures that may cause discharges and visual inspection during and after land application to identify discharges;
- 14) A spill prevention and control plan;
- 15) Annual review of the nutrient management practices to be implemented and an update of the nutrient management plan when there is a change in the nutrient management practices;
- 16) Specific records that will be maintained to document the implementation and management of the minimum elements described in subsections (b)(2) through (15); and
- 17) A description of the storage provisions and schedules provided for livestock waste when cropping practices, soil conditions, weather conditions or other conditions prevent the application of livestock waste to land or prevent other methods of livestock waste disposal.

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(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.515 Terms of Nutrient Management Plan

Any permit issued to a CAFO must require compliance with the terms of the CAFO's site-specific nutrient management plan. These terms include:

- a) The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the Agency to be necessary to meet the requirements of Sections 502.505 and 502.510.
- b) The terms of the nutrient management plan, with respect to protocols for land application of livestock waste as required by Subpart F, must include:
 - 1) the fields available for land application;
 - 2) field-specific rates of application properly developed pursuant to subsection (d) or (e) to ensure appropriate agricultural utilization of the nutrients in the livestock waste; and
 - 3) any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application.
- c) The terms of the nutrient management plan must address rates of application using either the linear approach as described in subsection (d) or the narrative rate approach as described in subsection (e), unless the Agency specifies that only one of these approaches may be used.
- d) The linear approach is an approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:
 - 1) The terms include maximum application rates from livestock waste for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine those rates.
 - 2) At a minimum, the factors that are terms must include:

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- A) the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
 - B) the crops to be planted in each field or any other uses of a field, such as pasture or fallow fields;
 - C) the realistic yield goal for each crop or use identified for each field;
 - D) the nitrogen and phosphorus recommendations, according to Section 502.625, for each crop or use identified for each field;
 - E) credits for all nitrogen in the field that will be plant available;
 - F) consideration of multi-year phosphorus application;
 - G) accounting for all other additions of plant available nitrogen and phosphorus to the field;
 - H) the form and source of livestock waste to be land applied;
 - I) the timing and method of land application; and
 - J) the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the livestock waste to be applied.
- 3) CAFOs that use this linear approach must calculate the maximum amount of livestock waste to be land applied at least once each year using the results of the most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months after the date of land application required by Section 502.635.
- e) The narrative rate approach is an approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of livestock waste to be land applied, according to the provisions of this subsection (e).
- 1) The terms include:

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- A) maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, for each field, and certain factors necessary to determine those amounts;
- B) the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
- C) the crops to be planted in each field or any other uses, such as pasture or fallow fields, including alternative crops identified in accordance with subsection (e)(1)(G);
- D) the realistic yield goal for each crop or use identified for each field;
- E) the nitrogen and phosphorus recommendations according to Section 502.625 for each crop or use identified for each field;
- F) the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of livestock waste to be land applied:
 - i) results of soil tests conducted in accordance with protocols identified in the nutrient management plan, as required by Section 502.510(b)(9);
 - ii) credits for all nitrogen in the field that will be plant available;
 - iii) the amount of nitrogen and phosphorus in the livestock waste to be applied;
 - iv) consideration of multi-year phosphorus application;
 - v) accounting for all other additions of plant nitrogen and phosphorus to the field;
 - vi) the form and source of livestock waste;

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- F) the predicted form, source, and method of application of livestock waste for each crop; and
 - G) timing of application for each field, insofar as it concerns the calculation of rates of application.
- 3) CAFOs that use this narrative rate approach must calculate maximum amounts of livestock waste to be land applied at least once each year using the methodology required in subsections (e)(1)(A) through (F) before land applying livestock waste and must rely on the following data:
- A) a field-specific determination of nitrogen that will be plant available consistent with the methodology required by subsections (e)(1)(A) through (F), and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the Agency; and
 - B) the results of most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months after the date of land application, in order to determine the amount of nitrogen and phosphorus in the livestock waste to be applied.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.520 Changes to the Nutrient Management Plan

When a CAFO owner or operator makes changes to the CAFO's nutrient management plan previously submitted to the Agency, the procedures in this Section are applicable.

- a) The CAFO owner or operator must identify changes to the nutrient management plan, except that the results of calculations made in accordance with the requirements of Section 502.515(d)(3) and (e)(3) are not subject to the requirements of this Section. These calculation may be revised without submittal to the Agency provided the calculation revisions do not change the terms of the nutrient management plan.

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- b) The Agency must determine whether the changes to the nutrient management plan necessitate revision to the terms of the nutrient management plan incorporated into the permit issued to the CAFO.
- 1) If revision to the terms of the nutrient management plan is not necessary, the Agency must notify the CAFO owner or operator and, upon that notification, the CAFO may implement the revised nutrient management plan.
 - 2) If revision to the terms of the nutrient management plan is necessary, the Agency must determine whether the changes are substantial changes as described in subsection (d).
 - 3) If the Agency determines that the changes to the terms of the nutrient management plan are not substantial, the Agency must notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.
- c) If the Agency determines that the changes to the terms of the nutrient management plan are substantial, the Agency must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment.
- 1) The process and time limits for submitting public comments and hearing requests, the hearing process if a request for a hearing is granted, and the process for responding to significant comments received during the comment period will follow the procedures applicable to draft general permits found in Section 502.310(d) through (f).
 - 2) The Agency will require the CAFO owner or operator to further revise the nutrient management plan, if necessary, in order to approve the revision to the terms of the nutrient management plan incorporated into the CAFO's permit.
 - 3) Once the Agency incorporates the revised terms of the nutrient management plan into the permit, the Agency must notify the owner or operator and inform the public of the final decision concerning the revisions to the terms and conditions of the permit.

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- d) Substantial changes to the terms of the nutrient management plan incorporated as terms and conditions of a permit include, but are not limited to:
- 1) Addition of new land application areas not previously included in the CAFO's nutrient management plan; except that, if the land application area that is being added to the nutrient management plan is covered by the terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of Section 502.515, and the CAFO owner or operator applies livestock waste on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, addition of new land would be a change to the new CAFO owner's or operator's nutrient management plan but not a substantial change for purposes of this Section;
 - 2) For nutrient management plans using the linear approach as set forth in Section 502.515(d), changes to the field-specific maximum annual rates of land application (pounds of nitrogen and phosphorus from livestock waste). For nutrient management plans using the narrative rate approach, changes to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop;
 - 3) Addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with Section 502.515; and
 - 4) Changes to site-specific components of the CAFO's nutrient management plan, when the changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the United States.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART F: LIVESTOCK WASTE DISCHARGE LIMITATIONS
AND TECHNICAL STANDARDS

Section 502.600 Applicability

This Subpart provides livestock waste discharge limitations and technical standards for permitted CAFOs. Permitted CAFOs must achieve the livestock waste discharge limitations and technical

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standards in this Subpart as of the date of permit coverage. Unpermitted large CAFOs claiming an agricultural stormwater exemption must comply with Sections 502.102 and 502.510(b) and are subject to portions of this Subpart to the extent required by Section 502.510(b). This Subpart does not apply to CAFOs that stable or confine horses, sheep or ducks. CAFOs that stable or confine horses or sheep are subject to applicable production area livestock waste discharge limitations and technical standards found in Section 502.720. CAFOs that confine ducks in either a dry lot or wet lot are subject to applicable production area livestock waste discharge limitations and technical standards found in Section 502.730.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.605 Livestock Waste Discharge Limitations for the Production Area for Permitted CAFOs

- a) Except as provided in subsections (a)(1), (a)(2) and (c), there must be no discharge of livestock wastes into waters of the United States from the CAFO production area. Whenever precipitation causes an overflow of livestock wastes from the containment or storage structure, livestock wastes in the overflow may be discharged into waters of the United States provided:
- 1) The production area is designed, constructed, operated and maintained to contain all livestock wastes, including the runoff and the direct precipitation from a 25-year, 24-hour precipitation event, except that, for swine, poultry or veal, large CAFOs that are new sources must comply with Subpart H, and
 - 2) The production area is operated in accordance with the additional measures and records required by Section 502.610.
- b) Any point source subject to this Subpart must achieve the livestock waste discharge limitations in this Section as of the date of the permit coverage.
- c) Voluntary Alternative Performance Standards. Any CAFO subject to this Subpart may request the Agency to establish NPDES permit livestock waste discharge limitations based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards as provided by subsection (a).

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- 1) In requesting site-specific livestock waste discharge limitations to be included in the NPDES permit, the CAFO owner or operator must submit a supporting technical analysis and any other relevant information and data that would support those site-specific livestock waste discharge limitations within the time frame provided by the Agency.
- 2) The supporting technical analysis must include calculation of the quantity of pollutants discharged, on a mass basis when appropriate, based on a site-specific analysis of a system designed, constructed, operated, and maintained to contain all livestock waste, including the runoff from a 25-year, 24-hour rainfall event.
- 3) The technical analysis of the discharge of pollutants must include:
 - A) all daily inputs to the storage system, including livestock waste, direct precipitation, and runoff;
 - B) all daily outputs from the storage system, including losses due to evaporation, sludge removal, and removal of wastewater for use on cropland at the CAFO or transport off site;
 - C) a calculation determining the predicted median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site;
 - D) site-specific pollutant data, including nitrogen, phosphorus, BOD₅ and total suspended solids, for the CAFO from representative sampling and analysis of all sources of input to the storage system, or other appropriate pollutant data; and
 - E) predicted annual average discharge of pollutants, expressed, when appropriate, as a mass discharge on a daily basis (lbs/day), and calculated considering subsections (c)(3)(A) through (D).
- 4) The Agency has the discretion to request additional information to supplement the supporting technical analysis, including inspection of the CAFO.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 502.610 Additional Measures for CAFO Production Areas

Each CAFO subject to this Subpart must implement the following:

- a) The CAFO owner or operator must at all times properly operate and maintain all structural and operational aspects of the facilities, including all systems for livestock waste treatment, storage, management, monitoring and testing.
- b) Livestock within a CAFO production area shall not come into contact with waters of the United States.
- c) Visual Inspections. There must be routine visual inspections of the CAFO production area. At a minimum, the following **must occur**:
 - 1) Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure;
 - 2) Daily inspection of water lines in the production areas, including drinking water or cooling water lines; and
 - 3) Weekly inspections of the livestock waste storage facilities. The inspection will note the level in **the** liquid livestock waste storage facility using the depth marker required in subsection (d).
- d) Depth Marker. All open surface liquid livestock waste storage facilities must have a depth marker **that** clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. In the case of new sources subject to livestock waste discharge limitations established pursuant to Section 502.830, all open surface livestock waste storage structures associated with **the** sources must include a depth marker **that** clearly indicates the minimum capacity necessary to contain the maximum runoff and direct precipitation associated with the design storm used in sizing the storage facility for no discharge.
- e) Corrective Actions. Any deficiencies found as a result of these inspections must be corrected as soon as possible.

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- f) In addition to the requirement in subsection (e), deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.
- g) Discharge to waters of the United States of pollutants from dead livestock or dead animal disposal facilities is prohibited. Dead livestock and water contaminated by dead livestock shall not be disposed of in the liquid manure storage structures, egg wash wastewater facilities, egg processing wastewater facilities, or areas used to hold products, by-products or raw materials that are set aside for disposal, or contaminated stormwater facilities, other than facilities used solely for disposal of dead livestock.
- h) Chemicals and other contaminants shall not be disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants.
- i) A CAFO owner or operator utilizing an earthen lagoon or other earthen manure storage area or waste containment area shall inspect all berm tops, exterior berm sides, and non-submerged interior berm sides for evidence of erosion, burrowing animal activity, and other indications of berm degradation on a frequency of not less than once every week.
- j) The CAFO owner or operator shall perform periodic removal of livestock waste solids from liquid manure storage areas and the waste containment area to maintain proper operation of the storage structures. Soils that are contaminated with livestock waste removed from earthen manure storage structures shall be considered livestock waste.
- k) Requirements Relating to Transfer of Livestock Waste to Other Persons.
- 1) Prior to transferring livestock waste to other persons, CAFOs must provide the recipient of the livestock waste with the most current nutrient analysis.
 - 2) The analysis provided must be consistent with applicable requirements to sample livestock wastes in Section 502.635(b).

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- 3) CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of livestock waste transferred to another person.
- 1) Livestock Waste Storage Requirements
- 1) Livestock waste storage structures at the CAFO production area shall be designed to contain a volume equal to or greater than the sum of the volumes of the following:
- A) the amount of waste generated during a 180-day period of operation at design capacity;
 - B) the runoff volumes generated during a 180-day period, including all runoff and precipitation from lots, roofs and other surfaces where precipitation is directed into the storage structure;
 - C) the volume of all wash down liquid generated during the 180-day period that is directed into the manure storage structure;
 - D) the volume of runoff and precipitation directed to the storage structure during a 25-year, 24-hour storm event;
 - E) the design volatile solids loading volume, if applicable;
 - F) the sludge accumulation volume, if applicable; and
 - G) a freeboard of 2 feet, except for structures with a cover or otherwise protected from precipitation.
- 2) The storage volume requirements in this subsection (1) do not apply to pump stations, settling tanks, pumps, piping or other components of the CAFO production area that temporarily hold or transport waste to a storage facility meeting the requirements of this subsection (1).

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.615 Nutrient Transport Potential

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- a) Field Assessment. An individual field assessment of the potential for nitrogen and phosphorus transport from the field to surface waters must be conducted and the results contained in the nutrient management plan. The following factors must be identified for each field to determine nitrogen and phosphorus transport potential to waters of the United States:
- 1) Soil type;
 - 2) Slope;
 - 3) Conservation practices;
 - 4) Soil erodibility or potential for soil erosion;
 - 5) Soil test phosphorus;
 - 6) Tile inlet locations;
 - 7) Distance to surface waters;
 - 8) Proximity to wells;
 - 9) Location of conduits to surface water, including preferential flow paths; and
 - 10) Subsurface drainage tiles.
- b) The applicant shall utilize the field assessment information obtained in subsection (a) to determine the appropriate phosphorus-based or nitrogen-based application rate for each assessed field. The determination of phosphorus-based or nitrogen-based application of livestock waste on an assessed field must be consistent with subsection (c) or (d) and Sections 502.620, 502.625, 502.630, and 502.635.
- c) Nitrogen-based application of livestock waste must be conducted consistent with the following requirements:

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- 1) livestock waste is applied consistent with the setback requirements in Section 502.645;
- 2) available soil phosphorus (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200) is equal to or less than 300 pounds per acre;
- 3) the soil loss calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) is less than the erosion factor T;

BOARD NOTE: Soil loss may be calculated using the RUSLE2 software program available at http://fargo.nser1.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm and Erosion Factor T for Illinois soils is available from the United States Department of Agriculture Natural Resources Conservation Service's (USDA-NRCS) published soil surveys at http://soils.usda.gov/survey/printed_surveys/state.asp?state=Illinois&abbr=IL.

- 4) if conduits on the field are less than 400 feet from surface waters, the setback requirements in Section 502.645(b)(2) do not apply. Instead, the following setbacks apply:
 - A) Livestock waste application shall be conducted no closer than:
 - i) 150 feet from a tile inlet, agricultural well head, sinkhole, or edge of a ditch that has no vegetative buffer; or
 - ii) 50 feet from a tile inlet, agricultural well head, sinkhole, or edge of a ditch that has a 50 foot vegetative buffer or 50 feet from the center of a grass waterway;
 - B) These setbacks do not apply if the CAFO is able to demonstrate to the Agency that a setback or buffer is not necessary because implementation of alternative conservation practices (including, but not limited to, injection and incorporation) or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 150-foot setback

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under subsection (c)(4)(A)(i) or the 50-foot setback under subsection (c)(4)(A)(ii);

- 5) if conduits on the field are more than 400 feet from surface waters, the setback requirements in subsection (c)(4) do not apply;
 - 6) where surface waters are on the assessed field or within 200 feet of the field, the livestock waste applied to the field shall be injected or incorporated within 24 hours after the application or equivalent conservation practices must be installed and maintained on the field pursuant to USDA-NRCS practice standards; and
 - 7) if nitrogen-based application cannot be conducted in accordance with this subsection (c), then phosphorus-based application must be conducted as specified in subsection (d).
- d) Phosphorus-based application of livestock waste must be conducted consistent with the following requirements:
- 1) livestock waste must be applied consistent with the setback requirements in Section 502.645;
 - 2) the livestock waste application rate must not exceed the annual agronomic nitrogen demand of the next crop grown as provided in Section 502.625(a);
 - 3) if the soil contains greater than 50 pounds of available soil phosphorus per acre (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200), phosphorus-based application rates must be neutral during the nutrient management plan period;
 - 4) if the soil contains greater than 300 pounds of available soil phosphorus per acre (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200), the amount of phosphorus applied in the livestock waste must not exceed the amount of phosphorus removed by the next year's crop grown and harvested; and

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- 5) livestock waste shall not be applied to fields with available soil phosphorus (median Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200) greater than 400 pounds per acre.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.620 Protocols to Land Apply Livestock Waste

- a) Livestock wastes shall not be applied to waters of the United States. Livestock waste application shall not cause runoff to waters of the United States during non-precipitation events. Livestock waste application shall not occur on land that is saturated at the time of application. Livestock waste shall not be applied onto land with ponded water.
- b) Discharge of livestock waste to waters of the United States or off-site during dry weather through subsurface drains is prohibited.
- c) Livestock waste shall not be applied during precipitation when runoff of livestock waste will be produced.
- d) Surface land application of livestock waste shall not occur within 24 hours preceding a forecast of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used:
- 1) A prediction of a 60 percent or greater chance of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (d)(1) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

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- 2) [A prediction of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than Quantitative Precipitation Forecast\(QPF\) category 3, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring, MD 20910 for the land application area location.](#)

[BOARD NOTE: The prediction in subsection \(d\)\(2\) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.](#)

- e) [Determination of soil loss must be made for each field using Revised Universal Soil Loss Equation 2 \(RUSLE2\).](#)

[BOARD NOTE: Soil loss may be determined using the RUSLE2 software program available at \[http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm\]\(http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm\).](#)

- f) [Surface land application may be used when the land slope is no greater than 5% or when the yearly average soil loss calculated using RUSLE2 is equal to or less than 5 tons per acre per year or Erosion Factor T, whichever is less, regardless of slope. Injection or incorporation within 24 hours shall be used when the land slope is greater than 5% and the yearly average soil loss calculated using RUSLE2 is greater than 5 tons per acre per year or Erosion Factor T, whichever is less.](#)

[BOARD NOTE: Soil loss may be determined using the RUSLE2 software program available at \[http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm\]\(http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm\) and Erosion Factor T for Illinois soils is available from the \[USDA United States Department of Agriculture Natural Resources Conservation Service's published soil surveys at \\[http://soils.usda.gov/survey/printed_surveys/state.asp?state=Illinois&abbr=IL\\]\\(http://soils.usda.gov/survey/printed_surveys/state.asp?state=Illinois&abbr=IL\\).\]\(#\)](#)

- g) [Land application of livestock waste is prohibited on slopes greater than 15%.](#)
- h) [Liquid livestock waste shall not be applied to land with less than 36 inches of soil covering fractured bedrock, sand or gravel.](#)
- i) [Livestock waste shall not be applied to bedrock outcrops.](#)

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- j) Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to Section 502.625 when there is less than 60 inches of unconsolidated material over bedrock.
- k) Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to Section 502.625 when the minimum soil depth to seasonal high water table is less than or equal to 2 feet.
- l) Livestock waste shall not be applied at rates that exceed the infiltration rates of the soil.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.625 Determination of Livestock Waste Application Rates

- a) Livestock waste application shall not exceed the agronomic nitrogen rate, which is defined as the annual application rate of nitrogen that can be expected to be required for a realistic crop yield goal. Multi-year phosphorus application is allowed when the application is specified in a nutrient management plan and meets the requirements in Section 502.615. Any such application must be consistent with nutrient management plan requirements. The agronomic rate must be determined in a manner consistent with this Section and Section 502.615.
- b) Livestock Waste Volumes. The estimate of the annual volume of available livestock waste for application shall be obtained by multiplying the number of animals constituting the maximum design capacity of the facility by the appropriate amount of waste generated by the animals. For purposes of this Section, "maximum design capacity" means the maximum number of animals that can be housed at any time for a minimum of 45 days at a CAFO. The following sources may be used to obtain the amount of waste generated:
 - 1) Livestock Waste Facilities Handbook, Third Edition, Table 2-1, incorporated by reference at 35 Ill. Adm. Code 501.200(a);
 - 2) 35 Ill. Adm. Code 560. Table 1;
 - 3) Manure Characteristics, 2nd ed., 2004 (MWPS-18 Section 1), MidWest Plan Service, incorporated by reference at 35 Ill. Adm. Code 501.200(a);

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- 4) [NRCS Agricultural Waste Management Field Handbook Chapter 4; and](#)
 - 5) [ASABE Standard Data ASAE D384.2 MAR 2005 \(R2010\).](#)
- c) [Nutrient Value of Livestock Waste. For new livestock facilities that have not generated livestock waste, the owner or operator must prepare a plan based on an average of the minimum and maximum numbers in the table values derived from Livestock Waste Facilities Handbook, Third Edition, Table 2-1, 10-6, or 10-7, or Manure Characteristics, incorporated by reference at 35 Ill. Adm. Code 501.200, or 35 Ill. Adm. Code 560. Table 1 or Table 2. If "as produced" or "as excreted" nutrient values are used, the nitrogen value shall be adjusted to account for losses due to the type of storage system utilized using an average of the ranges in Livestock Waste Facilities Handbook, Third Edition, Table 10-1. Other sources of nutrient values may be used if approved by the Agency. Owners or operators of existing livestock facilities must prepare the plan based on representative sampling and analysis of the livestock waste generated by the CAFOs in accordance with Section 502.635\(b\).](#)
- d) [Adjustments to Nitrogen Availability. Adjustments shall be made to nitrogen availability to account for the following:](#)
- 1) [Nitrogen loss from livestock waste due to method of application, based on an average of the ranges in Livestock Waste Facilities Handbook, Third Edition, Table 10-2; and](#)
 - 2) [The first-year mineralization of organic nitrogen into a plant available form, as obtained from Livestock Waste Facilities Handbook, Third Edition, Table 10-5.](#)
- e) [Realistic Crop Yield Goal](#)
- 1) [The realistic crop yield goal shall be determined for each field where the livestock waste is to be land applied. The realistic crop yield goal shall be determined using an average yield over a five-year period from the field where livestock waste is to be land applied. The source of data to be utilized to determine the realistic crop yield goal is provided in subsection \(e\)\(2\).](#)

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- 2) Whenever five years of data is available for the field where livestock waste is to be land applied, proven yields shall be used in calculating the realistic crop yield, unless there is an agronomic basis for predicting a different realistic crop yield goal. The owner or operator shall indicate the method used to determine the proven yield. Data from years with crop disasters may be discarded.
- A) If five years of proven yield data is not available for the field where the livestock waste is to be land applied, or if an agronomic basis exists for predicting a different realistic crop yield goal, the owner or operator may calculate the realistic crop yield goal using crop insurance yields or Farm Service Agency **USDA** yields. If either of these sources is used, a copy of the insurance or assigned crop yields shall be included with the nutrient management plan.
- B) If data is not available on proven yields, crop insurance yields or Farm Service Agency yields, or if an agronomic basis exists for predicting a different realistic crop yield goal, soils based yield data from the University of Illinois "Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810" (Bulletin 810) or "Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811" (Bulletin 811), incorporated by reference at 35 Ill. Adm. Code 501.200, shall be used by the owner or operator to calculate the realistic crop yield goal pursuant to subsection (e)(1).
- i) If Bulletin 810 or 811 is used to calculate the realistic crop yield goal, a soil map of the land application areas shall be included in the nutrient management plan.
- ii) If Bulletin 810 or 811 is used, the realistic crop yield goal shall be determined by a weighted average of the soil interpretation yield estimates for the fields where livestock waste is to be land applied.
- iii) If Bulletin 811 is used, the owner or operator shall demonstrate in the nutrient management plan that the operational management and field conditions of the facility and land application areas meet the requirements for optimum conditions as provided in Bulletin 811.

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f) Nitrogen Credits

- 1) Nitrogen credits shall be calculated by the CAFO owner or operator, pursuant to Section 502.505(n)(7), for nitrogen-producing crops grown the previous year, for other sources of nitrogen applied for the growing season, and for mineralized organic nitrogen in livestock waste applied during the previous three years.
- 2) Nitrogen credits shall be calculated by the CAFO owner or operator for the mineralized organic nitrogen in livestock waste applied during the previous three years at the rate of 50%, 25%, and 12.5%, respectively, of that mineralized during the first year.

g) Phosphorus. The plan shall be developed or amended by the CAFO owner or operator to determine the maximum livestock waste application rate for each field. The plan for that field shall contain the following:

- 1) The phosphorus content of the livestock waste shall be determined in accordance with subsection (c);
- 2) The realistic crop yield goal of each crop in the field, obtained pursuant to subsection (e)(1);
- 3) The phosphorus amount needed for each crop in the planned crop rotation, expressed as P₂O₅, obtained from the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200. The determination of this phosphorus amount shall be based on the realistic crop yield goal for each planned crop and the soil test for available phosphorus (Bray P1 or Mehlich 3 in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200);
- 4) The phosphorus carryover from previous years' application of phosphorus or livestock waste;
- 5) Soil test phosphorus results for that field; and

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- 6) The maximum livestock waste application rate, consistent with nitrogen-based or phosphorus-based applications allowed under Section 502.615.
- h) Nitrogen and phosphorus fertilization rates for the realistic crop yield goal may be obtained from the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200, or 35 Ill. Adm. Code 560.Appendix A.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.630 Protocols to Land Apply Livestock Waste During Winter

- a) Winter Application Prohibition
 - 1) Surface land application of livestock waste on frozen, ice covered or snow covered ground is prohibited, unless:
 - A) No practical alternative measures are available to handle the livestock waste within storage facilities or to dispose of the livestock waste at other sites. Examples of practical alternative measures include, but are not limited to, the transfer of waste to another waste handling facility or sewage treatment plant, rental or acquisition of a storage tank, reduction of herd size or depopulation, and protection of the facility from direct precipitation and clean stormwater runoff;
 - B) Liquid livestock waste cannot be injected or incorporated within 24 hours due to soil conditions;
 - C) Prior to December 1, the owner or operator has taken steps to provide 120 days of available storage capacity of manure storage areas. Examples of steps that could be taken include, but are not limited to, land application of livestock waste, transfer of waste to another party, protection of waste storage structures from direct precipitation and stormwater runoff, and depopulating facilities to reduce the amount of waste generated;
 - D) The owner or operator has complied with subsection (a)(1)(C) and yet the storage volume available on December 1 of that winter season is less than 120 days of storage;

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- E) The owner or operator has notified the Agency in writing on December 1 of that winter season that the CAFO has less than 120 days storage available; and
- F) The discharge of livestock waste from the structure to the surface waters is expected to occur due to shortage in storage capacity.
- 2) The storage volume calculation in subsection (a)(1)(C) must include runoff and direct precipitation plus the volume of livestock excreta, wash water and other process wastewater generated and expected to enter the storage structure during the period of December 1 to April 1. Runoff volume calculations must meet the following requirements:
- A) Runoff calculations must be based on the runoff transferred into the storage structure under frozen ground conditions;
- B) Direct precipitation that will reduce the available storage volume must be based on normal precipitation for the December 1 to April 1 period for the nearest weather station and, for facilities exposed to precipitation, the 25-year, 24-hour storm event volume or the design storm event volume determined under Subpart H for swine, poultry and veal large CAFOs that are new sources. The determination of normal precipitation shall be based on National Weather Service or State Water Survey Records;
- BOARD NOTE: The following sources may be used to determine normal precipitation:
- <http://www.isws.illinois.edu/atmos/statecli/newnormals/newnormals.htm> or <http://cdo.ncdc.noaa.gov/cgi-bin/climatenormals/climatenormals.pl>.
- C) The owner or operator shall keep a record of the precipitation value used and the source from which the value was obtained; and
- D) Calculations must allow for a freeboard of two feet.

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3) In the event winter land application is necessary, it must be conducted pursuant to a winter application plan described in subsection (b) and according to the conditions of subsection (c).

b) Winter Application Plan

In order to conduct surface land application on frozen, ice covered, or snow covered ground, the requirements of this subsection (b) must be met.

1) No land application may occur within ¼ mile of a non-farm residence.

2) No discharge may occur during land application of livestock waste.

3) Surface land application on frozen ground shall not occur within 24-hours preceding a forecast of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used:

A) A prediction of a 60 percent or greater chance of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910, for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (b)(3)(A) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

B) A prediction of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 2 obtained from the National Weather Service Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910, for the land application area location.

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BOARD NOTE: The prediction in subsection (b)(3)(B) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

4) Surface land application of livestock waste on ice covered or snow covered land shall not occur within 24 hours preceding a forecast of 0.1 inches or more of precipitation in a 24 hour period as measured in liquid form. The CAFO owner or operator shall use one of the two methods provided below for determining whether or not these conditions exist and shall maintain a record of the forecast from the source used.

A) A prediction of a 60 percent or greater chance of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or

BOARD NOTE: The prediction in subsection (b)(4)(A) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.

B) A prediction of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 1 obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the land application area location.

BOARD NOTE: The prediction in subsection (b)(4)(B) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

5) If the land application of livestock waste is on ice covered or snow covered land, surface land application shall not occur when the predicted high temperature exceeds 32 degrees F on the day of land application or on any of the 7 days following land application as predicted by the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD

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20910 for the location nearest to the land application area. The owner or operator shall maintain a record of the forecast from the source used.

BOARD NOTE: The predicted high temperature in subsection (b)(5) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MEX/index.html> or <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

- 6) If the surface land application of livestock waste is on ice covered or snow covered land, the CAFO owner or operator shall visually monitor for runoff from the site. The CAFO owner or operator must monitor each ice covered or snow covered field where land application has been conducted daily when the ambient temperature is 32 degrees F or greater following winter land application until all the ice or snow melts from the land application area.
- 7) If the surface land application of livestock waste is on ice covered or snow covered land and a runoff from the land application area occurs, the CAFO owner or operator shall report any discharge of livestock waste within 24 hours after the discovery of the discharge as follows:
 - A) The report shall be made to the Agency through the Illinois Emergency Management Agency by calling 1-800-782-7860 or 1-217-782-7860;
 - B) Within 5 days after this telephone report, the CAFO owner or operator shall file a written report with the Agency that includes the name and telephone number of the person filing the report, location of the discharge, an estimate of the quantity of the discharge, time and duration of the discharge, actions taken in response to the discharge, and observations of the condition of the discharge with regards to turbidity, color, foaming, floatable solids and other deleterious conditions of the runoff for each day of each runoff event until the ice or snow melts off the site.
- c) Availability of Individual Fields for Winter Application
If livestock waste is to be surface applied on frozen ground, ice covered land or snow covered land, the land application may only be conducted on land that meets the following requirements:

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- 1) Adequate erosion and runoff control practices exist, including, but not limited to, vegetative fence rows around the site, contour farming, terracing, catchment basins and buffer areas that intercept surface runoff from the site;
- 2) A crop stubble, crop residue or vegetative buffer of 200 feet exists between the land application area and surface waters, waterways, open tile line intake structures, sinkholes, agricultural wellheads, or other conduits to surface water and the vegetative buffer zone is down gradient of the livestock waste application area;
- 3) Application on land with slopes greater than 5% is prohibited;
- 4) Application may only occur on sites that have field specific soil erosion loss, calculated using Revised Universal Soil Loss Equation less than Erosion Factor T, and have a median Bray P1 or Mehlich 3 soil level of phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in [35 Ill. Adm. Code 501.200](#), equal to or less than 300 pounds per acre;

BOARD NOTE: Soil loss may be calculated using [the Revised Universal Soil Loss Equation 2 \(RUSLE2\)](#) software program available at http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm and Erosion Factor T for Illinois soils is available from the [USDA-NRCS'](#) published soil surveys at http://soils.usda.gov/survey/printed_surveys/state.asp?state=Illinois&abbr=IL.

- 5) Surface application may only occur if the setbacks equal three times the otherwise applicable setbacks required by Sections 502.615 and 502.645 if the slope of the field is between 2 percent and 5 percent. This setback requirement does not include the quarter mile distance from residences contained in Section 502.645(a); and
- 6) For fields with slopes of less than 2 percent, the surface application may only occur if the setbacks equal two times the otherwise applicable setbacks required by Sections 502.615 and 502.645. This setback requirement does not include the quarter mile distance from residences contained in Section 502.645(a).

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(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.635 Manure and Soil Sampling and Analysis

- a) Soil Phosphorus Sampling. Soil samples shall be obtained and analyzed from each field of the land application area where applications are planned. Fields where livestock waste is applied shall be sampled twice for each field during the term of the permit. Soil testing must be conducted as follows:
- 1) Soil sampling for phosphorus shall be in accordance with the sampling protocols in Chapter 8 of the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200. Laboratory analysis for soil phosphorus (Bray P1 or Mehlich 3) shall be in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference at 35 Ill. Adm. Code 501.200;
 - 2) Soil samples shall be at the same time in the cropping cycle and rotation so that results are comparable year to year; and
 - 3) The two required soil samples for each field must be taken at least one year apart.
- b) Manure Sampling
- 1) The CAFO owner or operator shall annually obtain a laboratory analysis of the nutrient content representative of the livestock waste to be land applied as provided within the nutrient management plan. Livestock waste shall be sampled during the application process. Multiple subsamples shall be obtained and combined into one sample so that a representative sample is obtained for analysis. Results of a sample taken during waste application the previous year can be used for plan preparation unless there has been a change in the waste management practices during the year. The analytical results of livestock waste samples shall be used for calculation of the application rate allowed by the NPDES permit.
 - 2) The laboratory analysis of the livestock waste sample shall include total kjeldahl nitrogen, ammonia or ammonium nitrogen, total phosphorus, total

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potassium, and percent total solids. The nutrient results shall be reported on the laboratory analysis sheet on a mg/kg dry weight basis or mg/l wet weight basis. The results of these analyses are to be used in determining application rates for livestock waste.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.640 Inspection of Land Application Equipment for Leaks

- a) For all permitted CAFOs that land apply livestock waste, the CAFO owner or operator must periodically inspect equipment used for land application of livestock waste for leaks or problems that result in improper operation.
- b) The CAFO owner or operator must ensure that the land application equipment is properly calibrated for application of livestock waste on a routine basis.
- c) Calibration procedures and schedules shall be described for all equipment in the CAFO's nutrient management plan.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.645 Land Application Setback Requirements

- a) Distance from Residences
Livestock waste shall not be land applied within ¼ mile of any residence not part of the CAFO, unless it is injected or incorporated on the day of application.
- b) Setbacks from Waters
 - 1) Livestock waste shall not be land applied within 200 feet of surface water, unless the water is upgrade or there is adequate diking, which includes, but is not limited to, diking that prevents runoff from the land application from entering surface waters that are within 200 feet of the land application area.
 - 2) Livestock waste shall not be land applied within 100 feet of down gradient open subsurface drainage intakes, agricultural drainage wells, sinkholes, grassed waterways or other conduits to surface waters, unless a 35 foot vegetative buffer exists between the land application area and the grassed

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waterways, open subsurface drainage intakes, agricultural drainage wells, sinkholes or other conduits to surface water.

- 3) The setback requirements in subsection (b)(2) do not apply if the CAFO is able to demonstrate to the Agency that a setback or buffer is not necessary because implementation of alternative conservation practices (including, but not limited to, injection and incorporation) or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback.
- c) Livestock waste shall not be applied in a 10-year flood plain unless the injection or incorporation method of application is used.
- d) Livestock waste shall not be land applied to waters of the United States, grassed waterways or other conduits to surface waters.
- e) Livestock waste shall not be land applied within 200 feet of potable water supply wells.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART G: ADDITIONAL LIVESTOCK WASTE DISCHARGE LIMITATIONSSection 502.710 New Source Performance Standards for Dairy Cows and Cattle Other Than Veal Calves

- a) New Source Performance Standards (NSPS) Applicability
Any CAFO with the capacity to stable or confine 700 or more mature dairy cows, whether milked or dry, or 1,000 or more cattle other than mature dairy cows or veal calves that is a new source must achieve the livestock waste discharge limitations representing the application of NSPS as of the date of permit coverage or within the timelines provided in Section 502.303.
- b) The livestock waste discharge limitations representing NSPS for the CAFO production area for CAFOs subject to this Section are the livestock waste discharge limitations found in Sections 502.605 and 502.610.

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- c) The livestock waste discharge limitations representing NSPS for the CAFO land application area are the livestock waste discharge limitations and requirements found in Sections 502.615 through 502.645.
- d) CAFOs subject to this Section shall attain the limitations and requirements in Subpart F as of the date of permit coverage or within the timelines provided in Section 502.303.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.720 Horse and Sheep CAFOs: BPT, BAT and NSPS

This Section contains the effluent limitations applicable to discharges resulting from the production area at horse and sheep CAFOs. CAFOs subject to this Section shall attain the limitations and requirements of this Section as of the date of permit coverage. CAFOs with the capacity to stable or confine fewer than 10,000 sheep or fewer than 500 horses are exempt from these effluent limitations.

- a) Effluent Limitations Attainable by the Application of the Best Practicable Control Technology-Currently Available (BPT) for Horse and Sheep CAFOs
 - 1) Except as provided in subsection (a)(2), any existing point source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the effluent limitation representing the application of BPT for horse and sheep CAFOs.
 - 2) Process waste pollutants in the overflow may be discharged to waters of the United States whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated wastewaters plus the runoff from a 10-year, 24-hour rainfall event for the location of the point source.
- b) Effluent Limitations Attainable by the Application of the Best Available Technology Economically Achievable (BAT) for Horse and Sheep CAFOs
 - 1) Except when the provisions of subsection (b)(2) apply, any existing point source subject to this Section shall have no discharge of process

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wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the effluent limitation representing the application of BAT for Horse and Sheep CAFOs.

2) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged to waters of the United States.

c) New Source Performance Standards (NSPS) for Horse and Sheep CAFOs Except as provided in subsection (b)(2), any new source subject this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the performance standard representing NSPS for horse and sheep CAFOs.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.730 Duck CAFOs: BPT and NSPS

This Section contains the effluent limitations applicable to discharges resulting from the production areas at dry lot and wet lot duck CAFOs. CAFOs subject to this Section shall attain the limitations and requirements of this Section as of the date of permit coverage. CAFOs with the capacity to stable or confine fewer than 5,000 ducks are exempt from these effluent limitations.

a) Effluent Limitations Attainable by the Application of the Best Practicable Control Technology Currently Available (BPT) for Wet Lot and Dry Lot Duck CAFOs Any existing point source subject to this Section shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of BPT:

1) BOD₅ is limited to a maximum daily limit of 3.66 pounds/1,000 ducks or 1.66 kg/1,000 ducks.

2) BOD₅ is limited to a maximum monthly average of 2.0 pounds/1,000 ducks or 0.91 kg/1,000 ducks.

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- 3) Fecal coliform is not to exceed the most probable number (MPN) of 400/100 ml at any time.
- b) New Source Performance Standards for Wet Lot and Dry Lot Duck CAFOs
 - 1) Except as provided in subsection (b)(2), any new source subject to this Section shall have no discharge of process wastewater pollutants to waters of the United States. Achievement of no process wastewater discharge to waters of the United States is the performance standard representing NSPS for duck CAFOs.
 - 2) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged to waters of the United States.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART H: NEW SOURCE PERFORMANCE STANDARDS FOR
NEW SWINE, POULTRY AND VEAL LARGE CAFOS

Section 502.800 Applicability

- a) This Subpart applies to all new swine, poultry and veal CAFOs with the capacity to stable or confine the numbers of animals of the types provided for in the definition of large CAFOs in Section 502.103.
- b) The requirements of this Subpart H are in addition to the livestock waste discharge limitations and technical standards in Subpart F, except Section 502.605.
- c) The limitations and requirements of this Subpart must be attained as of the date of NPDES permit coverage or within the timelines provided in Section 502.303.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 502.810 Production Area Requirements

There must be no discharge of livestock waste pollutants to waters of the United States from the production area unless the CAFO complies with the alternative livestock waste discharge limitations provided in Section 502.830.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.820 Land Application Area Requirements

For CAFOs subject to this Subpart, the land application areas shall attain the same limitations and requirements as specified in Sections 502.615 through 502.645.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.830 Alternative Best Management Practice Livestock Waste Discharge Limitations

- a) Any CAFO subject to this Subpart may request that the Agency establish NPDES permit best management practice (BMP) livestock waste discharge limitations designed to ensure no discharge of livestock waste based upon a site-specific evaluation of the CAFO's open surface livestock storage structure.
- b) The NPDES permit BMP livestock waste discharge limitations must address the CAFO's entire production area. In the case of any CAFO using an open surface livestock waste storage structure for which the Agency establishes such livestock waste discharge limitations, "no discharge of livestock waste pollutants," as used in this Subpart H, means that the storage structure is designed, operated, and maintained in accordance with BMP established by the Agency on a site-specific basis after a technical evaluation of the storage structure.
- c) The technical evaluation must address the elements listed in Section 502.840.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 502.840 Technical Evaluation

All technical evaluations conducted pursuant to this Subpart H must address the minimum elements contained in this Section. Waste management and storage facilities designed,

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constructed, operated, and maintained consistent with the analysis conducted in subsections (a) through (g) and operated in accordance with the additional measures and records required by Section 502.610 will fulfill the requirements of this Subpart.

- a) Information to be used in the design of the open manure storage structure, including, but not limited to:
 - 1) Minimum storage periods for rainy seasons;
 - 2) Additional minimum capacity for chronic rainfalls;
 - 3) Applicable technical standards that prohibit or otherwise limit land application on frozen, saturated or snow-covered ground found in Section 502.630;
 - 4) Planned emptying and dewatering schedules consistent with the CAFO's nutrient management plan;
 - 5) Additional storage capacity for livestock waste intended to be transferred to another recipient at a later time; and
 - 6) Any other factors that would affect the sizing of the structure.

- b) The design of the open livestock waste storage structure as determined in accordance with the [USDA National Resource Conservation Service's Agricultural Waste Management Field Handbook](#), incorporated by reference at 35 Ill. Adm. Code 501.200.

BOARD NOTE: Animal waste management software is available at <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/alpha/l/mnm/?&cid=stelprdb1045812> and includes procedures and calculation based on the [Agricultural Waste Management Field Handbook](#) for design of open livestock waste storage units.

- c) All inputs used in the open livestock waste storage structure design, including:
 - 1) actual climate data for the previous 30 years, consisting of historical average monthly precipitation and evaporation values;

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- 2) the number and types of animals;
 - 3) anticipated animal sizes or weights;
 - 4) any added water and bedding;
 - 5) any other process wastewater; and
 - 6) the size and condition of outside areas exposed to rainfall and contributing runoff to the open livestock waste storage structure.
- d) The planned minimum period of storage in months, including, but not limited to, the factors for designing an open livestock waste storage structure described in subsection (a). Alternatively the CAFO may determine the minimum period of storage by specifying times the storage pond will be emptied consistent with the CAFO's nutrient management plan.
- e) Site-specific predicted design specifications, including:
- 1) dimensions of the storage facility;
 - 2) daily manure and wastewater additions;
 - 3) the size and characteristics of the land application areas; and
 - 4) the total calculated storage period in months.
- f) An evaluation of the adequacy of the designed manure storage structure using simulation procedures in the USDA Natural Resources Conservation Services Agricultural Waste Management Field Handbook, incorporated by reference at 35 Ill. Adm. Code 501.200.
- 1) The evaluation must include all inputs used in the simulation, including but not limited to:
 - A) daily precipitation, temperature, and evaporation data for the previous 100 years;

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- B) user-specified soil profiles representative of the CAFO's land application areas;
 - C) planned crop rotations consistent with the CAFO's nutrient management plan; and
 - D) the final modeled result of no overflows from the designed open livestock waste storage structure.
- 2) For those CAFOs where 100 years of local weather data for the CAFO's location is not available, CAFOs may use a simulation with a confidence interval analysis conducted over a period of 100 years.
- 3) The adequacy of the designed manure storage structure may be evaluated using equivalent evaluation and simulation procedures approved by the Agency.

BOARD NOTE: The adequacy of the designed manure storage structure may be evaluated by using the most recent version of the Soil Plant Air Water (SPAW) Hydrology Tool found at <http://hydrolab.arsusda.gov/SPAW/Index.htm>.

- g) The Agency may waive the requirement in subsection (f) for a site-specific evaluation of the designed livestock waste storage structure and instead authorize a CAFO to use a technical evaluation developed for a class of specific facilities within a specified geographical area.
- h) The Agency may request additional information to support a request for livestock waste discharge limitations based on a site-specific open surface livestock waste storage structure.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Implementation Program
- 2) Code Citation: 35 Ill. Adm. Code 504
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
504.101	Repeal
504.102	Repeal
504.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Sections 9, 12, 13, 21 and 22 of the Environmental Protection Act (Act) and authorized by Section 27of the Act [415 ILCS 5/9, 12, 13, 21, 22, and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A description of this proposal may be found in the Board's first-notice opinion and order of November 7, 2013, in docket R12-23. The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal to amend the Board's agriculture related pollution regulations. The Agency seeks to repeal the entire Part 504.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Agency reported that it had not performed any new study or contracted with any other entity to perform one as a basis to develop its rulemaking proposal, so it had no "underlying data" to report.
The Agency stated that the following "provides a complete list of all documents and studies used in developing the proposal."

American Society of Agricultural and Biological EngineersManagement of Manure Odors, ASAE EP379.4 (Jan. 2007)Design of Anaerobic Lagoons for Animal Waste Management, ASABE EP403.4 (R2011)Illinois Agronomy Handbook, 24th Edition; University of Illinois College of Agriculture, Consumer and Environmental SciencesMidWest Plan ServiceLivestock Waste Facilities Handbook, Third Edition, Third Printing (MWPS-18) April 1998Manure Characteristics, Section 1, Second Edition (MWPS-18) (2004)

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Recommended Chemical Soil Test Procedures for the North Central Region, North Central Regional Publication No. 221 Missouri Agricultural Experiment Station Bulletin SB 1001 (Jan. 1998)

Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils, Bulletin No. 810 (2000), revised 1/15/01 to amend Table B810, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research

Optimum Crop Productivity Ratings for Illinois Soils, Bulletin No. 811 (2000), revised 1/15/01 to amend Table S2 B811, University of Illinois College of Agriculture, Consumer and Environmental Sciences Office of Research

Livestock Management Facilities Act (510 ILCS 77)

Livestock Management Facilities Act Regulations (8 Ill. Adm. Code 900)

68 Fed. Reg. 7176 (Feb. 12, 2003)

Waterkeeper v. USEPA, 399 F.3d 486 (2nd Cir. 2005)

73 Fed. Reg. 70418 (Nov. 20, 2008)

November 2008 Compiled CFO NPDES Regulations and Effluent Limitations Guidelines and Standards

National Pork Producers Council, et al. v. USEPA, 635 F.3d 738 (5th Cir. 2011)

76 Fed. Reg. 65431 (Oct. 21, 2011)

Allen, B.L. and A.P. Mallarino, Effects of Liquid Swine Manure Rate, Incorporation, and Timing of Rainfall on Phosphorus Loss with Surface Runoff, Journal of Environmental Quality 37: 125-37 (2008)

Standard Methods for the Examination of Water and Wastewater, 19th edition (1995), American Public Health Association

Good Environmental Livestock Production Practices: Concentrated Livestock Operations – Manure Utilization ANSI-GELPP 0004-2002

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Curve Number Hydrology – State of the Practice, ASCE/EWRI Curve Number Hydrology Task Committee, American Society of Civil Engineers (2009)

Barker, J.C., Lagoon Design and Management for Livestock Waste Treatment and Storage North Carolina Cooperative Extension Service EBAE 103-83 (1996)

Brady, N.C., Nature and Properties of Soils, 8th Edition (1974)

Daverede, I.C., et al., Phosphorus Runoff: Effect of Tillage and Soil Phosphorus Levels, Journal of Environmental Quality 32: 1436-44 (2003)

Daverede, I.C., et al. Phosphorus Runoff from Incorporated and Surface-Applied Liquid Swine Manure and Phosphorus Fertilizer, Journal of Environmental Quality 33: 1535-44 (2004)

Dillaha, T.A., et al., Vegetative Filter Strips for Agricultural Non-Point Source Pollution Control, Trans. ASAE 32: 513-19 (1989)

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- 7) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3]
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R12-23 and be addressed to:
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R12-23 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's website at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312/814-3629.
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Because the proposed rulemaking repeals the entire Part 504, the Board does not expect the rulemaking to affect any types of small businesses, small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Because the proposed rulemaking repeals the entire Part 504, the Board does not expect the rulemaking to require any reporting, bookkeeping, or other procedures for compliance.
 - C) Types of professional skills necessary for compliance: Because the proposed rulemaking repeals the entire Part 504, the Board does not expect the rulemaking to require any type of professional skills for compliance.
- 14) Regulatory Agenda in which this rulemaking was summarized: 7/13 (37 Ill. Reg. 9060)

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 504
IMPLEMENTATION PROGRAM **(REPEALED)**

Section

- 504.101 Compliance Dates
504.102 Severability
504.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 9, 12, 13, 21, and 22 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111½, pars. 1009, 1012, 1013, 1021 and 1022) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111½, par. 1027).

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10597; repealed at 38 Ill. Reg. _____, effective _____.

Section 504.101 Compliance Dates

Compliance with the limitations of 35 Ill. Adm. Code 501 shall be achieved by the following dates;

- a) With respect to existing facilities not required to obtain National Pollutant Discharge Elimination System (NPDES) permits, by June 30, 1979.
- b) With respect to all other existing and new facilities, as of the effective date of this amendment.

Section 504.102 Severability

If any provision of these rules or regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this chapter as a whole, or of any part, subpart, sentence or clause thereof not adjudged invalid.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 504.APPENDIX A References to Previous Rules

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 5: Agriculture Related Pollution
Part IV, Implementation Program

35 Ill. Admin. Code 504

Rule 401
Rule 402

Section 504.101
Section 504.102

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2657 Proposed Action: New
- 4) Statutory Authority: [35 ILCS 5/20(b)(2)(M-1)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance for financial organizations entitled to claim a subtraction for interest income from loans secured by property that qualifies for the High Impact Business Investment Credit.
- 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? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
100.2470	Amendment	37 Ill. Reg. 13887, August 30, 2013
100.2110	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2120	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2160	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2185	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2190	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2480	Amendment	37 Ill. Reg. 15464, September 27, 2013
100.2655	Amendment	37 Ill. Reg. 15464, September 27, 2013

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul S. Caselton
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

- 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: 7/13

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

DEPARTMENT OF REVENUE

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OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

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- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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Section	
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
<u>100.2657</u>	<u>Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))</u>
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section	
100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section	
100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section	
100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section	
100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General

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- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3373 Sales Factor for Publishing
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns
- 100.5060 Reportable Transactions
- 100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
- 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

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SUBPART O: COMPOSITE RETURNS

Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust

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	Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section	
100.7300	Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310	Returns Filed and Payments Made on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
100.7325	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330	Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350	Domestic Service Employment (IITA Sections 704 and 704A)
100.7360	Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370	Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

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SUBPART U: ESTIMATED TAX PAYMENTS

- Section
- 100.8000 Payment of Estimated Tax (IITA Section 803)
- 100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART V: COLLECTION AUTHORITY

- Section
- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

SUBPART W: NOTICE AND DEMAND

- Section
- 100.9100 Notice and Demand (IITA Section 902)

SUBPART X: ASSESSMENT

- Section
- 100.9200 Assessment (IITA Section 903)
- 100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART Y: DEFICIENCIES AND OVERPAYMENTS

- Section
- 100.9300 Deficiencies and Overpayments (IITA Section 904)
- 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
- 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
- 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Z: CREDITS AND REFUNDS

- Section
- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

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SUBPART AA: INVESTIGATIONS AND HEARINGS

Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART BB: JUDICIAL REVIEW

Section

100.9600	Administrative Review Law (IITA Section 1201)
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SUBPART CC: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART DD: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
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SUBPART EE: MISCELLANEOUS

Section

100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended

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at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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Section 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))

- a) A corporation that is a "financial organization" within the meaning of IITA Section 304(c) may subtract an amount included in its taxable income as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit under IITA Section 201(h). (IITA Section 203(b)(2)(M-1))
- b) Coordination with Subtraction for Enterprise Zone Interest. Notwithstanding subsection (a), a taxpayer may not claim a subtraction modification under IITA Section 203(b)(2)(M-1) and this Section for any taxable year in which the taxpayer is allowed to claim the subtraction modification under IITA Section 203(b)(2)(M) and Section 100.2655 of this Part for interest on a loan secured by property eligible for the enterprise zone investment credit or river edge redevelopment zone investment credit. (IITA Section 203(b)(2)(M-1))
- c) Eligible Property. For purposes of this Section, "eligible property" shall mean property that is "qualified property", as defined under IITA Section 201(h) and Section 100.2130(e) of this Part, and that is placed in service on or after the date the owner is designated as a high impact business by the Department of Commerce and Economic Opportunity. To be considered eligible property, it is not necessary that the property be placed in service in a federally designated foreign trade zone or subzone.
- d) Portion of Loan Secured by Eligible Property. To determine the portion of a loan that is secured by eligible property, the entire principal amount of the loan between the taxpayer and the borrower should be divided into the basis of the eligible property which secures the loan, using for this purpose the original basis of such property on the date it was placed in service. The subtraction modification available to the taxpayer in any year under IITA Section 203(b)(2)(M-1) shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. (IITA Section 203(b)(2)(M-1)) There is no limitation to the length of time for which the subtraction may be taken with respect to a particular loan.
- e) Basis. For purposes of the computation in subsection (d), the basis of eligible property shall be its borrower's basis in the eligible property for federal income

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tax purposes, including the costs of any improvements or repairs included in that basis, but without adjustment for depreciation or IRC section 179 deductions claimed with respect to the property.

- f) Examples. The provisions of IITA Section 203(b)(2)(M-1) and this Section may be illustrated by the following examples.
- 1) EXAMPLE 1. Bank lends \$1,000 to Borrower, secured by eligible property with a basis of \$900. The portion of the loan secured by eligible property is the \$900 basis of the borrower in eligible property divided by the \$1,000 principal amount of the loan, or 90%.
 - 2) EXAMPLE 2. Bank lends \$1,000 to Borrower, secured by eligible property with a basis of \$1,000 and by other property with a basis of \$2,000. The portion of the loan secured by eligible property is the \$1,000 basis of the borrower in eligible property divided by the \$1,000 principal amount of the loan, or 100%. The existence of other property securing the loan is irrelevant.
 - 3) EXAMPLE 3. In 2008, DCEO designated ABC Company a high impact business. In 2009, ABC Company built a new warehouse at the cost of \$1,000,000 and is able to claim the high impact business investment credit under IITA Section 201(h) with respect to the warehouse. ABC takes out a \$2,000,000 loan at Bank A, which then places a lien on the property. In 2010, when the warehouse had an adjusted basis (after depreciation) of \$900,000 and a fair market value of \$1,300,000, ABC refinanced the loan for the same principal amount, but at a lower interest rate. For both loans, the portion of the loan secured by eligible property is the \$1,000,000 original basis in the warehouse divided by the \$2,000,000 principal. Neither the adjusted basis after depreciation nor the fair market value is relevant to the computation for the refinanced amount.
 - 4) EXAMPLE 4. Assume the facts are the same as in Example 3, except that, in 2011, ABC Company again refinanced the loan, this time at Bank B (unrelated to Bank A). There was no change in the principal amount. Bank B takes a lien on the warehouse to secure the new loan. The portion of the Bank B loan that qualifies for the subtraction modification is 50% because the principal amount of the loan and ABC Company's original basis in the property remain unchanged.

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- 5) EXAMPLE 5. The facts are the same as in Example 4, except that Bank B purchased the refinanced loan from Bank A. The loan is not refinanced. ABC continues to pay the same amount, but now pays Bank B rather than Bank A. Bank B does not qualify for the subtraction modification, which is allowed only with respect to a loan "made by such taxpayer to a borrower" and Bank B did not make the loan.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
6.40	Amend
6.50	Amend
6.55	Amend
6.110	Amend
6.140	Amend
6.700	Renumber; New
6.705	Renumber; Amend
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)]
- 5) Effective Date of Rule: November 15, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file with the CPO and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 9, 2013; 37 Ill. Reg. 12620
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several grammatical corrections were made at JCAR's suggestion. Additionally, the following substantive change was made in response to JCAR during the first notice period:

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At Section 6.110(d)(3), at the end of the sentence, after "CPO", the Department added "in accordance with the Code and this Part".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Chief Procurement Officer for the Department of Transportation and the Department of Transportation are amending this Part for consistency with PA 97-895, effective August 3, 2012.
- 16) Information and questions regarding these adopted rules shall be directed to:
Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/558-5434

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR
THE DEPARTMENT OF TRANSPORTATION
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy and Application
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation Procurement Bulletin
- 6.55 Required Notices
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

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Section

- 6.130 General Conditions for Use
- 6.140 Invitations for Bids
- 6.150 Amendments to Invitations for Bids
- 6.160 Preparation of Bids
- 6.170 Delivery of Bids
- 6.180 Change or Withdrawal of Bids
- 6.190 Combination Bids for Construction Contracts
- 6.200 Pre-Bid Conferences
- 6.210 Public Opening of Bids
- 6.220 Consideration of Bids
- 6.230 Mistakes
- 6.240 Award After Bid Evaluation
- 6.250 Split and Multiple Awards
- 6.260 Time for Award
- 6.270 Delay in Award
- 6.275 Notice of Award
- 6.280 Binding Contract
- 6.290 Requirement of Contract Bond for Construction Contracts
- 6.300 Execution of Contract
- 6.310 Publication of Contracts (Repealed)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

- 6.320 General Conditions for Use
- 6.330 Request for Proposals
- 6.340 Delivery of Proposals
- 6.350 Evaluation of Proposals
- 6.360 Discussions with Responsible Offerors
- 6.370 Award
- 6.380 Execution of Contracts

SUBPART F: CONTRACT ADMINISTRATION

Section

- 6.385 Expenditure in Excess of Contract Price

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6.388 Multi-year Contracts

SUBPART G: PROTESTS

Section

6.390 Application
6.400 Interested Party
6.410 Subject of the Protest
6.420 Filing of a Protest
6.430 Stay of Action during Protest
6.440 Decision

SUBPART H: SPECIFICATIONS

Section

6.450 Standard Specifications
6.460 Contract Documents
6.470 Specification Standards

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section

6.480 Purpose
6.490 Definitions
6.500 Policy
6.510 General
6.520 Causes for Suspension or Debarment
6.530 Interim Suspension
6.540 Voluntary Exclusion
6.550 Term of Suspension
6.560 Coverage
6.570 Other Agency Suspensions
6.580 Responsibility
6.590 Continuation of Executory Contracts
6.600 Exception Provision
6.610 Notice of Suspension
6.620 Response and Request for Hearing
6.630 Hearing Date and Hearing Officer

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- 6.640 Answer
- 6.650 Form of Documents
- 6.660 Computation of Time
- 6.670 Appearances
- 6.680 Hearing Procedures
- 6.690 Determination

SUBPART J: MISCELLANEOUS

Section

- ~~6.700~~ 6.700 Procurement File
- ~~6.705-6.700~~ Property Rights
- 6.710 Federal Requirements
- 6.720 Intergovernmental Agreements
- 6.730 No Waiver of Sovereign Immunity
- 6.740 Written Determinations
- 6.750 Severability

SUBPART K: TARGET MARKET PROGRAM

Section

- 6.800 Purpose and Objective
- 6.810 Definitions
- 6.820 Implementation Procedures
- 6.830 Target Market Remedial Actions
- 6.840 Participation Eligibility
- 6.850 Limitations Applicable to Participation
- 6.860 Severability

SUBPART L: ILLIANA EXPRESSWAY PROCUREMENT

Section

- 6.900 Purpose and Objective
- 6.905 Definitions
- 6.910 General Conditions for Use
- 6.915 Prequalification and Qualifications
- 6.920 Information Exchanges
- 6.925 Competitive Request for Proposals Process

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6.930	Organizational Conflict of Interest Requirements
6.935	Proposal Evaluation
6.940	Discussions with Offerors
6.945	Clarifications
6.950	Selection and Negotiations
6.955	Interim Agreements
6.960	Award
6.965	Execution of Contract and Notice to Proceed
6.970	Subsequent Contracts
6.975	Disclosure of Proposal Contents

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg. 14883, effective December 21, 2011; amended at 37 Ill. Reg. 5764, effective April 19, 2013; amended at 37 Ill. Reg. 15878, effective September 27, 2013; amended at 37 Ill. Reg. 19098, effective November 15, 2013.

SUBPART A: GENERAL

Section 6.40 Definitions

As used throughout this Part, terms defined in the Illinois Procurement Code have the same meaning as in the Code and as further defined in this Section. Each term listed in this Section has the meaning set forth as follows unless its use clearly requires a different meaning. Terms

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may be defined in particular Sections for use in that Section.

"Bid" – An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" – Any person or entity that in fact submits a bid.

"Change Order" – A formal, written directive issued to a contractor or an agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, design changes or alterations to plans, or special provisions or specifications for which no provision is included in the original contract.

"Chief Procurement Officer" or "CPO" – The person appointed under Section 1-15.15(2) of the Code.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Construction Agency" – The Illinois Department of Transportation for construction or maintenance of roads, highways, bridges and airports as an agency that enters into construction contracts as authorized by law or by delegation from the CPO. (See Section 1-15.25 of the Code.)

"Contract" – In addition to the definition of contract set forth in Section 1-15.30 of the Code, a contract is the written agreement entered into at the discretion of the SPO between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.

"Contract Adjustment" – A written price adjustment that adds to or deducts from a contract in accordance with provisions included in the original contract, including but not limited to increases or decreases in quantities, incentives, changed conditions and the addition of missing pay items called for in the specifications.

"Contractor" means any person, firm, corporation, organization, partnership or association, however organized, and its affiliates, including its owners, directors,

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officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.

"Day" – A calendar day.

"Department" – The Illinois Department of Transportation.

"Emergency Affidavit" – The affidavit filed by the CPO with the Procurement Policy Board and the Auditor General setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. (See Section 20-30(c) of the Code.)

"Emergency Contract" – The initial written agreement for an emergency procurement.

"Germane" – In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Multi-year Contract" – A multi-year contract is a contract with a time of performance of more than 12 months.

"Offerors" – For purposes of this Part, the term "offerors" includes only persons or entities submitting proposals that are acceptable or potentially acceptable. The term does not include persons or entities who submitted unacceptable proposals.

"PPB" – The Procurement Policy Board created by Section 5-5 of the Code.

"Procurement Compliance Monitor" or "PCM" – the person appointed under Section 10-15 of the Code.

"Proposal" – A response to a Request for Proposals.

"Purchasing Agency" – A State agency that enters into a contract at the direction of a State purchasing officer or a chief procurement officer. (See Section 1-15.70 of the Code.)

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"Renewal" – An agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract.

"Responsible" – The capability, integrity and reliability of a bidder, offeror or contractor that, in all respects, will assure good faith performance to undertake and complete fully the requirements of a contract.

"Responsive" – In the context of bidding procedures, the compliance in all meaningful, material respects with the Invitation for Bids.

"Special Provisions" – Additions and revisions to the Standard Specifications for Road and Bridge Construction and the Supplemental Specifications and Recurring Special Provisions (see the Department's website at <http://www.dot.state.il.us/desenv/hwyspecs.html>) applicable to an individual contract.

"Specifications" – The body of directions, provisions, and requirements for performance of prescribed work. Specifications includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"State Purchasing Officer" or "SPO" – The person appointed under Section 10-10 of the Code.

"Subcontract" – A contractual agreement between a person or entity and a person or entity who has a contract subject to the Code and this Part, pursuant to which the subcontractor assumes obligation for performing specified work. (See Section 1-15.107 of the Code.)

"Subcontractor" – A person or entity that enters into a contractual agreement with a total annual value of ~~\$50,000~~\$25,000 or more with a contractor who has a contract subject to the Code. (See Section 1-15.108 of the Code.)

"Supplemental Specifications" – Additions and revisions to the Department's Standard Specifications.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)

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SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section 6.50 Transportation Procurement Bulletin

- a) The CPO, in consultation with the Department, possesses the rights to, and is the authority responsible for, publishing the Department's volume of the Illinois Procurement Bulletin. ~~The Department is responsible under the Code for publication of its volume of the Illinois Procurement Bulletin.~~ The Department volume is entitled the "Transportation Procurement Bulletin" (Bulletin). (See Section 15-1 of the Code.)
- b) The Bulletin is the published source for all Department procurement actions, notices and other information relevant to Department procurement activities undertaken pursuant to this Part, including but not limited to contracts offered in the Invitation for Bids, contracts awarded, change orders, emergency purchases and sole source procurements.
- c) The Bulletin may be published in subparts designed to enhance and focus the ability of users to find information relevant to the user's interest.
- d) The Bulletin or any subpart thereof will be published or updated at least once each month but may be updated more frequently. (See Section 15-15 of the Code.)
- e) Notice of all awarded contracts, including renegotiated contracts and change orders, will be posted on the Department's website the next business day. Notice will be posted and published in the Bulletin and will include the following:
- 1) the name of the successful responsible bidder or offeror;
 - 2) the contract price;
 - 3) the number of unsuccessful responsive bidders; and
 - 4) any other disclosures, such as emergency purchase disclosures or any disclosure required under the Code.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)

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Section 6.55 Required Notices

- a) ~~The Department is responsible for publishing its volumes of the Bulletin pursuant to this Subpart B.~~
- a)b) Notice of all awarded contracts entered into by the Department pursuant to Subpart D will be published in the Bulletin.
- b)e) Notice of Invitations for Bids are published in the Bulletin pursuant to Subpart D.
- c)d) Notice of contracts let are published in the Bulletin pursuant to Subpart D.
- d)e) Notice of contract renewals and change orders are published in the Bulletin pursuant to Subpart F.
- e)f) The CPO or SPO will provide notice of emergency contracts and any hearings to extend any emergency contract in the Bulletin pursuant to Subpart C.
- f)g) The CPO will provide a written description of the intent to enter into a sole source contract, along with a description of the item to be procured and the intended sole source contractor, in the Bulletin prior to entering into the sole source contract. The notice will be posted at least 14 days prior to the sole source hearing pursuant to Subpart C.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)

SUBPART C: METHODS OF PROCUREMENT

Section 6.110 Sole Source Contracts

- a) A contract may be procured from a single source without competition or use of any other method of procurement prescribed in the Code or this Part when the single source is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)
- b) A requirement for a particular proprietary item does not justify a sole source

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procurement if there is more than one potential bidder or offeror authorized to provide that item. Examples of circumstances that could necessitate sole source procurement include but are not limited to:

- 1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;
- 2) when trial use, testing or the development of new technology is the object of the procurement;
- 3) when a sole supplier's item is to be procured for commercial resale;
- 4) when utility services are to be procured;
- 5) when the surety providing a performance bond tenders a completion contractor, acceptable to the Department, to complete a defaulted contract;
- 6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee.

c) When an interested party submits a written request for a public hearing, theThe CPO will provide notice of intent to contract on a sole source basis to the PPB and publish the notice in the Bulletin at least 14 days prior to the public hearing required in Section 20-25(a) of the Code. The notice will include the sole source procurement justification form prescribed by the PPB, a description of the item to be procured, the intended sole source contractor, and the date, time and location of the public hearing. (See Section 20-25 of the Code.)

d) The CPO may~~will~~ hold a public hearing in accordance with Section 20-25(a) of the Code.

1) Prior to the execution of a sole source contract, the CPO may~~will~~ hold a public hearing and provide written justification for the sole source contract. The Department will also provide written justification for the sole source contract.

2) Any interested party~~The PPB and members of the public~~ may present testimony at the public hearing.

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- 3) A sole source contract, when a public hearing was requested by an interested party, may be awarded, after the public hearing is conducted, with the approval of the CPO. Approval of the CPO will be granted in accordance with the Code and this Part.
- 4)3) A copy of all procurement documents provided at the hearing will be included in the subsequent Bulletin, along with the decision of the CPO to award or not award the sole source contract.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section 6.140 Invitations for Bids

- a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)
- b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.
- 1) Instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, certifications and assurances, mandatory disclosures, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
 - 2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.
 - 3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

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- 4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions, including disclosure forms.
- c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration found at 44 Ill. Adm. Code 650.
- d) In addition, each construction contract item will include but not be limited to the following minimum information and requirements enforceable in accordance with State or federal law through the terms and conditions of the contract.
 - 1) Information concerning the location, limits and description of the construction work and the scope thereof contemplated by the contract.
 - 2) An estimate of the various quantities of the type of work to be performed and the materials to be furnished in the performance of the contract.
 - 3) The manner of bid price submission for a construction contract may include lump sum, a schedule of unit prices or a combination thereof based upon the estimate of quantities provided in the contract.
 - 4) The manner of making changes in the quantities and such alterations in the work as necessary to satisfactorily complete the contract.
 - 5) Provisions to assure that all work is performed in accordance with the contract requirements including but not limited to the following methods.
 - A) Limitations on subcontracting;
 - B) Qualifications and requirements for contractor supervisory personnel;

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- C) Engineering services to be provided by the contractor;
 - D) Department provided resident personnel and inspectors;
 - E) Performance and payment bond requirements;
 - F) Inspection and acceptance of the work requirements;
 - G) Restrictions, sources and quality requirements for all materials and testing or inspection procedures;
 - H) The method of determination and documentation of pay quantities and a record of the materials, supplies and labor furnished in performance of the contract;
 - I) The manner of determining satisfactory prosecution of the work and progress to completion of the work in accordance with the time for completion set out in the contract including, when incorporated into the contract, provisions for liquidated damages and incentive payments for early completion; and
 - J) Provisions for the suspension of work and the termination of the contract.
- 6) All labor, employment and wage requirements applicable to the contract, and the manner of payroll recording, submission and inspection. (See the Prevailing Wage Act [820 ILCS 130] [or the Davis-Bacon Act \(40 USC 3141\)](#).)
- 7) All procurement preferences made applicable to the contract. (See Article 45 of the Code.)
- 8) The manner of measuring the work for payment based upon the estimated quantities provided or upon the actual quantities of material and work measured and completed including but not limited to progress payments as the work proceeds, and final payment.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)

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SUBPART J: MISCELLANEOUS

Section 6.700 Procurement File

The Department's procurement file will not include trade secrets or other competitively sensitive, confidential or proprietary information.

(Source: Old Section 6.700 renumbered to Section 6.705 and new Section 6.700 added at 37 Ill. Reg. 19098, effective November 15, 2013)

Section 6.705700 Property Rights

Receipt of an Invitation for Bids, Request for Proposals or other procurement document, or submission of any response thereto or other offer confers no right to receive an award or contract, nor does it obligate the State in any manner. All procurement documents submitted by a bidder or offeror become the property of the Department for disposition in accordance with the requirements of law. Trade secrets or other proprietary information submitted to the Department shall be expressly identified in writing; however, the Department reserves the right to determine the validity of any such claim, and may refuse to award a contract or may void any contract in circumstances where the party claiming the trade secret or proprietary data is unable to agree to disclosure for a public purpose. (See Section 1-25 of the Code.)

(Source: Section 6.705 renumbered from Section 6.700 at 37 Ill. Reg. 19098, effective November 15, 2013)

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- 1) Heading of the Part: Licensing Standards for Child Welfare Agencies
- 2) Code Citation: 89 III. Adm. Code 401
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
401.250	Amend
401.380	Amend
401.520	Amend
401.570	Amend
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]
- 5) Effective Date of Rule: November 30, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 24, 2013; 37 Ill. Reg. 6927
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Other than editing and formatting corrections, no other amendments were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
 - Require 10 clock hours of training for prospective adoptive parents seeking an international adoption, in compliance with federal law (22 CFR 96.48); and

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- Require that a child welfare agency report to the Department within 30 days whenever an agreement is made with an independent adoption contactor.

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

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Ph: 217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR
CHILD WELFARE AGENCIES

Section

401.1	Purpose (Repealed)
401.2	Definitions (Repealed)
401.3	Effective Date of Standards (Repealed)
401.4	Application for License (Repealed)
401.5	Application for Renewal of License (Repealed)
401.6	Provisions Pertaining to License (Repealed)
401.7	Provisions Pertaining to Permit (Repealed)
401.8	Incorporation (Repealed)
401.9	Composition and Responsibilities of the Governing Body (Repealed)
401.10	Finances (Repealed)
401.11	The Administrator (Repealed)
401.12	Social Work Supervisors (Repealed)
401.13	Child Welfare Workers (Repealed)
401.14	Professional Staff (Repealed)
401.15	Support Personnel (Repealed)
401.16	Volunteers (Repealed)
401.17	Background Checks (Repealed)
401.18	Legal Safeguards of Children Served (Repealed)
401.19	Required Written Consents (Repealed)
401.20	Agency Responsibility (Repealed)
401.21	Interstate Placement of Children (Repealed)
401.22	Health and Medical Services for Children (Repealed)
401.23	Records and Reports (Repealed)
401.24	Records Retention (Repealed)
401.25	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
401.26	Severability of This Part (Repealed)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

401.30	Purpose
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401.40 Definitions

SUBPART B: PERMITS AND LICENSES

Section

401.100 Application for License
401.110 Provisions Pertaining to Permits
401.120 Provisional Licenses
401.130 Provisions Pertaining to Licenses
401.140 Application for Renewal of License
401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3)
Status
401.145 Renewal Application Under Deemed Status
401.150 Acceptance of Accreditation through Deemed Status
401.155 Removal of Agency from Deemed Status
401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section

401.200 Agency Corporate Status
401.210 Composition and Responsibilities of the Governing Body
401.220 Organization and Administration
401.230 Finances
401.240 Background Checks
401.250 Required Reporting to the Department
401.260 Required Record Keeping
401.270 Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

Section

401.300 The Executive Director
401.310 Child Welfare Supervisors
401.320 Child Welfare Workers
401.330 Licensing Staff
401.340 Professional Staff
401.350 Support Personnel
401.360 Use of Volunteer Services
401.370 Non-Discrimination Against Employees Who Report Suspected Licensing
Violations
401.380 Personnel Records

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SUBPART E: SERVICES TO CHILDREN

Section	
401.400	Legal Safeguards of Children Served
401.410	Required Written Consents
401.420	Agency Responsibility
401.430	Interstate Placement of Children
401.440	Health and Medical Services for Children
401.450	Transportation of Children
401.460	Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
401.470	Agency Responsibilities for Adoption Services (Renumbered)
401.480	Agency Responsibilities for Independent Living Programs (Renumbered)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section	
401.500	Child Welfare Agency Responsibilities for Adoption Services
401.510	Disclosures
401.520	Adoptive Parents Training
401.530	Annual Reports
401.540	Preferential Treatment in Child Placement
401.550	Waiver Prohibited
401.560	Adoption Services Fees
401.565	Adoption Agency Payment of Salaries or Other Compensation
401.570	Independent Contractors
401.580	Cessation or Dissolution of an Adoption Agency
401.590	Adoption Agency Information and Complaint Registry
401.595	Agency Complaint Policy and Procedure
401.600	Advertisement

SUBPART G: INDEPENDENT LIVING PROGRAMS

Section	
401.700	Agency Responsibilities for Independent Living Programs

SUBPART H: ENFORCEMENT AND SEVERABILITY CLAUSE

Section	
401.800	Referrals to Law Enforcement and Injunctive Relief

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401.850 Severability of This Part

- 401.APPENDIX A Licensing Progression for Child Welfare Agencies
- 401.APPENDIX B Requirements for Operation of Branch Offices
- 401.APPENDIX C Management Representations of Child Welfare Agency Financial Condition and Operations
- 401.APPENDIX D Minimum Requirements for a Risk Management Plan
- 401.APPENDIX E Acceptance of Voluntary Surrender of License – No Investigations Pending (Repealed)
- 401.APPENDIX F Acceptance of Voluntary Surrender of License – Investigations Pending (Repealed)
- 401.APPENDIX G Acceptable Human Services Degrees
- 401.APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 494, effective January 15, 2003; amended at 28 Ill. Reg. 10588, effective August 1, 2004; emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days; emergency expired February 26, 2006; amended at 30 Ill. Reg. 2699, effective February 27, 2006; amended at 36 Ill. Reg. 2157, effective January 30, 2012; amended at 37 Ill. Reg. 19115, effective November 30, 2013.

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.250 Required Reporting to the Department

- a) Staff, ~~and~~ Volunteers and Adoption Contractors
 - 1) The child welfare agency shall maintain and submit reports on staff, ~~and~~

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volunteers and independent adoption contractors to the Department on forms prescribed by the Department:

- A) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.
 - B) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).
- 2) Staff changes shall be reported monthly to the Department.
- b) License Status of Child Care Facilities Supervised by the Child Welfare Agency
The child welfare agency shall report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. The reports shall be received within five days after the last day of each month for all license status changes in the month. Reportable changes in license status may include, but are not limited to:
- 1) failure or refusal to renew the license;
 - 2) revocation or voluntary surrender of the license;
 - 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
 - 4) change of address of the licensee;
 - 5) change in license capacity;
 - 6) transfer of license supervision to another supervising child welfare agency; or
 - 7) foster or adoptive family moves out-of-state.

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- c) **Semiannual Monitoring of Licensed Facilities Supervised by the Agency**
The agency shall maintain and submit to the regional licensing office a list of the licensed facilities subject to monitoring, noting both the date that the agency has performed a semiannual monitoring visit at the facility and those facilities with violations or corrective plans, as documentation of compliance with Section 401.420(c) requiring semiannual monitoring.
- d) **Reports of Child Abuse and Neglect**
When there has been a report of child abuse or neglect in a foster family home or day care home that is supervised by the agency and a formal child abuse and neglect investigation begins, the agency shall send a complete copy of the licensing record and any other requested information to the Department's agency and institution licensing representative within 5 days after a request for the information.
- e) **Licensing Complaint Investigation**
The agency shall send a copy of the licensing complaint investigation file to the Department's licensing unit within 5 days after the conclusion of the complaint investigation.
- f) **Monthly Visits with Children in Placement**
The agency shall submit written quarterly reports to the regional licensing office listing the names of all children served by the agency, with the dates on which an agency child welfare worker visited each child, as documentation of compliance with Section 401.420(b) requiring monthly visits with foster parents and children in care.
- g) **Unusual Incident Reports**
The agency shall report to the Department unusual incidents as defined in 89 Ill. Adm. Code 331 (Unusual Incidents).
 - 1) **Involving Children**
The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian and the Department licensing worker. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include

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accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.

- 2) Involving Employees, Foster Parents, or Relative Caregivers
The governing body or its designee shall report to the Department licensing worker any work or service related unusual incident that results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.

- h) Complete Copy of the Licensing File
Upon request, the agency shall provide the Department's licensing unit, within 5 calendar days, a complete copy of the licensing file for a foster home or day care home that is supervised by the agency.

(Source: Amended at 37 Ill. Reg. 19115, effective November 30, 2013)

SUBPART D: PERSONNEL REQUIREMENTS

Section 401.380 Personnel Records

- a) The child welfare agency shall maintain personnel records on all employees of the agency, whether full-time or part-time. These records shall contain:
 - 1) a copy of the form required to be sent to the Department of Children and Family Services which contains information on persons employed by a child welfare agency;
 - 2) a certified transcript of the employee's educational achievements, when required for the individual's position. Foreign credentials require additional documentation providing a certified translation and statement of the equivalency in the U.S. educational system;
 - 3) verification the employee holds a valid professional license (if required by law);

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- 4) acknowledgment on a form prescribed by the Department of the employee's status as a mandated reporter of child abuse and neglect by virtue of his or her employment;
 - 5) verification of the employee's work history prior to hire and residence for the past three years. When the employee's work experience is considered part of the individual's qualifications for his or her current position, the child welfare agency must verify the employee's stated work history;
 - 6) if the employee or his or her supervisor examines foster family homes or day care homes for licensure, verification that the employee and supervisor has passed the licensing examination for all types of facilities the employee examines or supervises;
 - 7) if the employee transports children, proof of insurance and a valid driver's license and the certification required by Section 401.450(c); and
 - 8) a copy of each employee's annual evaluation and any progressive discipline provided to an employee. Such records of progressive discipline shall be maintained in accordance with the personnel policies approved by the governing body.
- b) Authorizations for and the results of a background check, as required by 89 Ill. Adm. Code 385 (Background Checks), shall be maintained in a separate and confidential file which may be accessed only by authorized child welfare agency and Department staff.

(Source: Amended at 37 Ill. Reg. 19115, effective November 30, 2013)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section 401.520 Adoptive Parents Training

- a) Agencies providing adoption services shall provide prospective adoptive parents with a training program that shall include:
 - 1) A minimum of 6 clock hours of training for private domestic adoption families and a minimum of 10 clock hours of training for international

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adoptions; at least 4 of the 10 hours shall be in person (see 22 CFR 96.48(a));

- 2) Counseling and guidance for promoting a successful adoption in conjunction with the placement of a child for adoption with the prospective parents;
 - 3) Additional training of the adoptive parent, as necessary, to meet the needs of the adoptive family or child prior to the adoption.
- b) The adoptive parent training may be provided by an agent or independent contractor of the child welfare agency, provided the curriculum has the prior written approval of the Department's Office of Training.
 - c) All agencies shall keep on file a written record of the nature and extent of the training provided to the adoptive parents.
 - d) *An eligible adoption agency may be deemed compliant with this Section. This presumption of compliance may be rebutted by the Department with substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from the agency. [225 ILCS 10/2.27 and 7.5]*

(Source: Amended at 37 Ill. Reg. 19115, effective November 30, 2013)

Section 401.570 Independent Contractors

- a) Subject to subsection (a)(1), a child welfare agency providing adoption services may use the services of any person, group of persons, agency, association, organization, corporation, institution, center, or group as an independent adoption contractor to perform services on behalf of the licensed agency, ~~provided that the licensed agency has a written agreement with the independent contractor specifying:~~
 - 1) The licensed agency must have a written agreement with the independent contractor specifying:
 - A) Terms of remuneration;
 - B)2) Services to be performed;

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- ~~C)3)~~ Personnel performing those services;
 - ~~D)4)~~ Qualifications of the personnel, in addition to any other information or requirements the Department may specify; and
 - ~~E)5)~~ That the contract may be terminated at any time.
- 2) Within 30 days after entering the agreement, a copy of the written agreement shall be submitted to the Department.
- b) The independent contractor providing services on behalf of the licensed agency has an affirmative obligation to disclose its contractual relationship to all clients prior to performing any services.
 - c) The licensed agency is not exempt, by reason of the use of the contractor, from compliance with all of the provisions in this Part and in the Child Care Act of 1969.
 - d) The Department has the authority to disapprove, and shall do so in writing, ~~of~~ the use of any contractor if the Department is not satisfied with the agency's agreement. The factors to be considered include, but are not limited to:
 - 1) Personnel who are performing the services;
 - 2) The qualifications of the personnel; or
 - 3) If the contractor violates any provision of this Part, the Child Care Act or the Adoption Act.
 - e) The Department has the authority to require the immediate termination of the contract between an agency and independent contractor.

(Source: Amended at 37 Ill. Reg. 19115, effective November 30, 2013)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
406.4	Amend
406.5	Amend
406.8	Amend
406.13	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125] and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Rule: November 30, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 24, 2013; 37 Ill. Reg. 6939
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 406.13 was clarified to indicate that extended capacity approval must first be obtained from the licensing representative in writing in order for the provider's own children to be counted in the extended capacity. Additional technical changes were made during the Second Notice period to clarify the radon posting requirement and correct typographical errors.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: PA 97-981 required all day care homes to be tested for radon at least once every three years, and a informative note prescribed in the Act on the dangers of radon be posted next to the proof of radon test. Another provision states that when a licensee has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that when there are more than 8 children in care a qualified assistant is present in the home.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Ph: 217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

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- 406.APPENDIX D Pre-Service and In-Service Training
406.APPENDIX E List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012; amended at 36 Ill. Reg. 13057, effective August 15, 2012; amended at 36 Ill. Reg. 13388, effective August 15, 2012; amended at 37 Ill. Reg. 19127, effective November 30, 2013.

Section 406.4 Application for License

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:
 - A) a completed, signed and dated Application for Home License;
 - B) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;

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- C) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - D) a completed, signed and dated Child Support Certification form;
 - E) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
 - F) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
 - G) a copy of high school diploma or equivalent certificate; ~~and~~
 - H) for applications submitted on or after September 1, 2012, proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the home with all educational credentials and pre-service training entered into the registry; ~~and-~~
 - D) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*
- 2) For initial applications submitted after January 1, 2011, the applicant, who shall be the primary caretaker, shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix D, which shall include the following topics:
- A) Sudden Infant Death Syndrome (SIDS);

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- B) Shaken Baby Syndrome; and
 - C) Department approved Mandated Reporter training.
- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- d) Fire Safety Inspection
- 1) The Department shall request the Office of the State Fire Marshal (OSFM) to perform a fire safety inspection of homes when an initial application is being considered for licensure and when care will be provided on other than ground level and for homes in multi-housing units and submit a written recommendation of the inspection to the supervising agency of the day care home and to the applicant;
 - 2) The fire safety inspection on single floor homes, at ground level with no unusual or complex code considerations, shall be completed following the list of items for fire safety inspection in Appendix E by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to the Department issuance of a permit or a license, the day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- e) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- f) New Applications

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- 1) A new application shall be filed when any of the following occurs:
 - A) When an application for a license has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of the location of the day care home;
 - C) Not sooner than 12 months after the Department has revoked or refused to renew a license, after the previous license has been surrendered with cause, or refused to issue a full license to a permit holder, and a new license is sought.
- 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
 - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
 - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 37 Ill. Reg. 19127, effective November 30, 2013)

Section 406.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and

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sufficient.

- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix D.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 406.4(b)(6)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
 - 1) Fire safety inspections of homes licensed for multi-housing unit or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;
 - 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix E.
- h) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

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- i) *For a renewal application effective January 1, 2014 or later, proof the home that has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 37 Ill. Reg. 19127, effective November 30, 2013)

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which*

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undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home. [For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.](#)

- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

- D) [For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.](#)

5) Carbon Monoxide Detector

- A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

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- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
- B) A second exit may be a window.
- i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.

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- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet the these exiting requirements in subsections (a)(10)(A) and (B), the basement may be used for child care only with the prior written approval of OSFM.
- 11) All walls and surfaces shall be free from chipped or peeling paint, carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
 - 12) Walls of rooms that children use shall be maintained free of lead paint.
 - 13) Furniture and equipment shall be kept in safe repair.
 - 14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 16) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*

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- 17) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- A) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- B) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.*
- 18) There shall be written plans for fire and tornado emergencies. Caregivers and assistants in the home shall be familiar with these plans.
- A) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
- B) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
- C) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
- D) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as the safe spots.
- 19) Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible.
- 20) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a

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tornado.

- 21) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained on file for a period of 3 years.
- 22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.
 - A) All corridors and escape routes from the home shall be kept clear of obstructions.
 - B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.
 - C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.
 - E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.
 - F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.ete) on any exit door or exit window.
 - G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outside.
 - H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
- 23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable. A log of these daily inspections shall be maintained for at

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least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.

- 24) The licensee shall hold monthly fire inspections of the day care home.
- 25) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 26) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 27) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 28) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 29) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 30) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
- 31) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

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32) Radon Test

Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department containing the required informative statement from Section 5.8(d) of the Child Care Act of 1969 [225 ILCS 10].

- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

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- g) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, ~~raccoons~~[raccoons](#), and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet ~~or~~, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second

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levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:
 - 1) A minimum of 35 square feet of floor space per each child in care;³⁵ and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.

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- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No openings shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
- 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such

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permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

- n) By December 28, 2012, the day care home shall obtain certification that all cribs used by the home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 37 Ill. Reg. 19127, effective November 30, 2013)

Section 406.13 Number and Ages of Children Served

- a) The maximum number of children under the age of 12 cared for in a day care home by a caregiver alone shall be 8. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home.
- b) A Caregiver Alone. A caregiver alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 5 children may be under the age of 5, of which
 - C) Up to 3 children may be under 24 months of age.
 - 2) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 6 children may be under the age of 5, of which
 - C) Up to 2 children may be under 30 months of age.
 - 3) A school age group consisting of 8 school age children, as defined in

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Section 406.2.

- c) Caregiver and an Assistant under 18 Years of Age
- 1) A caregiver and an assistant under age 18 may care for:
- A1) One of the groupings in subsection (b) and 4 additional children who are attending school full-time; or
- B2) A total of 8 children under 5 years of age, of which up to 5 children may be under 24 months of age.
- 2) When a licensee or permitholder has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that when there are more than 8 children in care, a qualified assistant is present.
- 3) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.
- d) A Caregiver and an Assistant 18 Years of Age or Older
- 1) A caregiver and an assistant 18 years of age or older may care for:
- A1) The groupings in subsection (b), and 4 additional children who are attending school full-time; or
- B2) Eight children under 5 years of age, of which up to 5 children may be under 24 months of age, and 4 additional children who are attending school full-time.
- 2) When a licensee or permitholder has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children shall be counted in the additional 4 school-age children provided that, when there are more than 8 children in care, a qualified assistant is present.

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- 3) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.
- e) The maximum number of children receiving night care shall be 8 children and the groupings shall be consistent with subsections (b) and (c) ~~of this Section~~.
- f) Any children under age 12 living in the home who are receiving home schooling shall be counted in the maximum of 8 children in subsections (b), (c), and (d), unless another parent or caregiver is providing the schooling apart from the day care area and the caregiver has no responsibility for care or supervision or schooling of the children during the hours home day care is provided.
- g) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- h) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 37 Ill. Reg. 19127, effective November 30, 2013)

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 408
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
408.10	Amend
408.15	Amend
408.30	Amend
408.65	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125] and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Rule: November 30, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 24, 2013, 37 Ill. Reg. 6962
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 408.65 was clarified to indicate that extended capacity approval must first be obtained from the licensing representative in writing in order for the provider's own children to be counted in the extended capacity. Additional technical changes were made during the Second Notice period to clarify the radon posting requirement and correct typographical errors.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: PA 97-981 required all day care homes to be tested for radon at least once every three years, and a informative note prescribed in the Act on the dangers of radon be posted next to the proof of radon test. Another provision states that when a licensee has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that when there are more than 8 children in care, a qualified assistant is present in the home.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Ph: 217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age

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408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	Pre-Service and In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
408.APPENDIX I	List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. 13105, effective August 15, 2012; amended at 36 Ill. Reg. 13403, effective August 15, 2012; amended at 37 Ill. Reg. 19149, effective November 30, 2013.

Section 408.10 Application For License

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:
 - A) a completed, signed and dated Application for Home License;
 - B) a list of persons who will be working in the group day care home,

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including any substitutes and assistants, and members of the household age 13 and over;

- C) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
- D) a completed, signed and dated Child Support Certification form;
- E) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e);
- F) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
- G) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic, construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
- H) a copy of high school diploma or equivalent certificate; ~~and~~
- I) for applications submitted on or after September 1, 2012, proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the group day care home with all educational credentials and pre-service training entered into the registry; ~~and~~
- J) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

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- 2) For initial applications submitted after January 1, 2011, the applicant shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include:
 - A) Sudden Infant Death Syndrome (SIDS);
 - B) Shaken Baby Syndrome; and
 - C) Department approved Mandated Reporter training.
- c) Fire Safety Inspection
 - 1) For initial applications of group day care homes in multi-housing units, or single family dwellings in which care will be provided on other than ground level, the Department shall request a fire safety inspection from the Office of the State Fire Marshal (OSFM). OSFM shall submit its written recommendation to the supervising agency of the group day care home and to the applicant;
 - 2) The fire safety inspection on single floor homes at ground level with no unusual or complex code considerations shall be completed following the list of items for fire safety inspection in Appendix I by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to Department issuance of a permit or a license, the group day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- d) Licensed group day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- e) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and

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supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

- f) New Applications
 - 1) A new application shall be filed when any of the following occurs:
 - A) When an applicant or licensee seeks to reapply for a license after it has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of residence or location of the group day care home;
 - C) When 12 months have elapsed and the applicant seeks to reapply for a license after:
 - i) the Department has revoked or refused to renew a license;
 - ii) the previous license has been surrendered with cause; or
 - iii) The Department has refused to issue a full license to a permit holder.
 - 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
 - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
 - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 37 Ill. Reg. 19149, effective November 30, 2013)

Section 408.15 Application for Renewal of License

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- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department at least 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix G.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 408.10(b)(7)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
 - 1) Fire safety inspections of homes licensed for multi-housing units or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;

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- 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix I.
- h) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.
- i) *For a renewal application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 37 Ill. Reg. 19149, effective November 30, 2013)

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.

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- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
- A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
- B) In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home. For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.
- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so

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that the activation of one detector will activate all the detectors in the facility unit.

- 5) Carbon Monoxide Detector
 - A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.
 - B) The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of

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remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.

- 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 12) When the basement area may be used for child care, 2 exits shall be provided.
 - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet the these existing requirements in subsections (a)(12)(A) and (B), the basement may be used for child care only with the prior written approval of OSFM.
- 13) All walls and surfaces shall be free from chipped or peeling paint.
- 14) Walls of rooms that children use shall be maintained free of lead paint,

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carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.

- 15) Furniture and equipment shall be kept in safe repair.
 - 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 18) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
 - 20) Radon Test
Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department containing the required informative statement from Section 5.8(d) of the Child Act of 1969 [225 ILCS 10].
- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
- 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.

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- 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.
 - 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.
 - 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.
 - 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
 - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
 - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
 - 9) The licensee shall hold monthly fire safety inspections of the group day care home.
 - 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
 - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the

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square footage available for child care. There shall be:

- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- d) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- e) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet or, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

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- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- j) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- k) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- l) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.

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- 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1,

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2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- n) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control

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operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

- o) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) There shall be written response plans for fire and tornado emergency. These plans shall be familiar to all caregivers and assistants in the group day care home.
 - 1) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.

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- 2) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
 - 3) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
 - 4) Fire drills shall be conducted monthly for the purpose of removing children from the group day care home as quickly as possible during an emergency.
 - 5) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.
 - 6) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
 - 7) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.
- r) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
- t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*

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- 2) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) By December 28, 2012, the group day care home shall obtain certification that all cribs used by the group home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 37 Ill. Reg. 19149, effective November 30, 2013)

| **Section 408.65 Number and Ages of Children Served (See Also Appendix H)**

| [Appendix H includes a chart of the number and ages of children who can be served.](#)

- | a) A [Caregiver Alone](#) caregiver alone

| 1) The maximum number of children under the age of 12 cared for in a group

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day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. A caregiver alone may care for children in accordance with the following age groupings:

~~A)1)~~ A mixed age group consisting of:

~~i)A)~~ Up to 8 children under 12 years of age, of which

~~ii)B)~~ Up to 5 children may be under 5 years of age, of which

~~iii)C)~~ Up to 3 children may be under 24 months of age; or

~~B)2)~~ A mixed age group consisting of:

~~i)A)~~ Up to 8 children under 12 years of age, of which

~~ii)B)~~ Up to 6 children may be under 5 years of age, of which

~~iii)C)~~ Up to 2 children may be under 30 months of age; or

~~C)3)~~ Up to 8 pre-school children if no child is under age 3; or

~~D)4)~~ Up to 12 school age children as defined by Section 408.5.

~~2) When a licensee or permitholder has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children shall be counted in the additional 4 school-age children if, when there are more than 8 children in care, a qualified assistant is present.~~

b) A ~~Caregiver~~caregiver and an ~~Assistant~~assistant 18 ~~Years~~years of ~~Age~~age or ~~Older~~older

The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and an assistant shall be 12 except when extended capacity is considered under condition in Section 408.65(c). The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. The caregiver and assistant 18 years of age or older may care for children in accordance with the following age

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groupings:

- 1) 12 children between 3 and 6 years of age. The assistant must be present when more than 8 such children are present; or
 - 2) No more than 12 children under 12 years of age of which no more than 6 children may be under 30 months of age, of which no more than 4 children may be under 15 months of age.
- c) Extended Capacity
- 1) A caregiver, a full-time assistant and a part-time before and/or after school assistant is employed may care for 4 additional children who are attending school full-time. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.
 - 2) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.
- d) The maximum number of children receiving night care shall be 12 children and groupings shall be consistent with subsections (a) and (b) ~~of this Section~~.
- e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;

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- 2) At least one of the siblings has been in care for 30 days or more; and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 37 Ill. Reg. 19149, effective November 30, 2013)

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- 1) Heading of the Part: Installation, Maintenance or Repair of Electric Vehicle Charging Stations
- 2) Code Citation: 83 Ill. Adm. Code 469
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
469.10	New
469.20	New
469.30	New
469.40	New
469.50	New
469.60	New
469.70	New
469.80	New
469.90	New
469.100	New
469.110	New
469.120	New
469.130	New
- 4) Statutory Authority: Implementing Section 16-128A and authorized by Sections 16-128A and 10-101 of the Public Utilities Act [220 ILCS 5/16-128A and 10-101]
- 5) Effective Date of Rule: December 1, 2013
- 6) Do these rulemakings contain an automatic repeal date? No
- 7) Do these rulemakings contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: Nov. 26, 2012; 36 Ill. Reg. 16421
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: A number of revisions were made to the proposed rules. In Section 469.10, definitions were added of the terms "Best's financial size category," "Best's rating," "Commercial general liability insurance,"

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"Premises and operations insurance," "Products and competed operations insurance," and "Surplus Line Association of Illinois," and the definition of "Qualified person" was reworded. In Section 469.40, Required Application Information, subsections (f), (g), and (h) of the proposal were deleted and were replaced with new subsections (f) and (g). In Section 469.50, Certification Requirements, subsection (d) was reworded. The description of the required contents of the recertification report in Section 469.70(c) was revised. Section 469.120, Obligations of Electric Utilities, IMRs and Customers, was completely revised. Finally, a number of nonsubstantive stylistic changes were made.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rule: PA 97-616, which took effect in October 2011, added Section 16-128A(d) to the Public Utilities Act, requiring the Commission to develop rules applicable to vendors that install electric vehicle ("EV") charging stations. The requirement was later amended by Public Act 97-1128, effective in August 2012. PA 97-1128 significantly expanded the scope of the rulemaking required under the original Section 16-128A(d). The expanded rules are to apply to "persons or entities that install, maintain, or repair" EV charging stations and are to include thirteen requisites set forth in the statute. The rules cover the application and certification process and compliance requirements, and they establish fees. The rules require that affected persons and entities comply with the requirements by January 1, 2014.
- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/558-2387

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 469

CERTIFICATION FOR THE INSTALLATION, MAINTENANCE OR REPAIR OF
ELECTRIC VEHICLE CHARGING STATIONS

Section

469.10	Definitions
469.20	Applicability
469.30	Application Procedures
469.40	Required Application Information
469.50	Certification Requirements
469.60	Certifications Conditioned Upon Compliance
469.70	Annual Recertification and Reporting
469.80	Complaint Procedures
469.90	Commission Oversight
469.100	Maintenance of Records
469.110	Fees
469.120	Obligations of Electric Utilities, IMRs and Retail Customers
469.130	Initial Compliance Date

AUTHORITY: Implementing Section 16-128A and authorized by Sections 16-128A and 10-101 of the Public Utilities Act [220 ILCS 5/16-128A and 10-101].

SOURCE: Adopted at 37 Ill. Reg. 19173, effective December 1, 2013.

Section 469.10 Definitions

Terms defined in Section 16-128A of the Public Utilities Act [220 ILCS 5/16-128A] shall have the same meaning for purposes of this Part as they have under Section 16-128A of the Public Utilities Act, unless further defined in this Part. The following terms, when used in this Part, shall have the meaning ascribed to them in this Section.

"Act" means the Public Utilities Act [220 ILCS 5].

"Applicant" means a person or entity that files an application with the Illinois Commerce Commission (Commission) requesting certification pursuant to

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Section 16-128A of the Act to install, maintain or repair electric vehicle charging stations.

"Best's financial size category" refers to a numerical value that A.M. Best Company or its successor assigns to an insurance company based on the amount of that insurance company's policyholders' surplus and reserve funds.

"Best's rating" refers to a rating from A.M. Best Company or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Certificate holder" or "Commission-certified IMR" means a person or entity that has received certification pursuant to this Part.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Commercial purposes" means use by any person of an electric vehicle charging station not located on his or her own premises.

"Directly supervised" means that there is a qualified person on-site available for consultation and review of the installation, maintenance or repair work of electric vehicle charging stations performed by apprentices.

"DOL certification of satisfactory completion" means that person has received a nationally recognized and portable Certificate of Completion from a United States Department of Labor (DOL) registered apprenticeship program.

"DOL-registered electrician apprenticeship program" means an electrician apprenticeship training program that is certified by the DOL.

"Electric utility" means a *corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within Illinois, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity; or a public utility, as defined in Section 3-105 of the Act, that*

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has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area. [220 ILCS 5/3-105 and 16-102]

"Electric vehicle" means *a battery-powered electric vehicle operated solely by electricity or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source. [20 ILCS 627/10]*

"Electric vehicle charging station" means *any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle. [220 ILCS 5/16-128A(d)]*

"Entity" means an organization, institution or being that has its own existence for legal or tax purposes and is involved in the business of installing, maintaining or repairing electric vehicle charging stations.

"IMR" or "IMRs" means electric vehicle charging station installers, maintainers or repairers.

"Install", "installing" or "installation" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Maintain", "maintaining" or "maintenance" means the major activities and actions required to keep in an appropriate, safe condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"NEC" means the National Electrical Code adopted by the National Fire Protection Association, Inc., of 1 Batterymarch Park, Quincy, MA 02169 (NFPA 70E), effective August 25, 2010.

"Premises and operations insurance" coverage pays for bodily injury or property damage that occurs on an entity's premises or as a result of an entity's business operations.

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"Products and completed operations insurance" coverage pays for bodily injury and property damage that occurs away from an entity's business premises and is caused by the entity's products or completed work.

"Qualified person" means a person who performs installation, maintenance or repair of electric vehicle charging stations and who has either satisfactorily completed at least five installations of an electric vehicle charging station or has completed at least one of the following programs requiring lab or field work and received a certification of satisfactory completion: an apprenticeship as a journeyman electrician from a United States Department of Labor Registered Electrician Apprenticeship and Training Program or an Underwriters Laboratories (UL) electric vehicle charging station installation certification program.

"Repair" or "repairing" means the major activities and actions required to restore to a safe, sound condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Retail customer" means

a single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or that is served by a municipal system or electric cooperative; or

an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]. For purposes of this Part, a "retail customer" includes that retail customer's employees, officers, and agents. [220 ILCS 5/16-128A(d)]

"Self-installer" means an individual who leases or purchases an electric vehicle charging station for his or her own personal use and installs an electric vehicle charging station on his or her own premises without the assistance of any other person. [220 ILCS 5/16-128A(d)]

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"Surplus Line Association of Illinois" is an organization of Illinois surplus line producers as defined in Section 445.1 of the Illinois Insurance Code [215 ILCS 5/445.1].

Section 469.20 Applicability

After January 1, 2014, with the exception of a self-installer, all persons or entities that install, maintain or repair electric vehicle charging stations in the State of Illinois shall be certified by the Commission under this Part prior to installing, maintaining or repairing electric vehicle charging stations in the State of Illinois.

Section 469.30 Application Procedures

- a) The applicant shall file its application for certification under this Part and provide all information required by this Part.
- b) Contents of documents filed by applicants shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200).
- c) Applications for certification shall be submitted with the applicable fee payment.
- d) Applications for certification under this Part shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).

Section 469.40 Required Application Information

Applications for certification under this Part shall contain the following information:

- a) The applicant's name (including d/b/a, if any), street address, telephone number, facsimile number, website and e-mail address. The applicant shall provide the business name as that name appears on its Illinois Secretary of State's registration, if applicable. The applicant shall provide assumed business names if and only if those names are registered with the Illinois Secretary of State. This information shall be kept current and any change shall be filed with the Chief Clerk of the Commission within 15 days after the change occurs.

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- b) Contact information including names, addresses, telephone numbers, facsimile numbers and e-mail addresses for persons or entities responsible for issues related to processing the application.
- c) Applicant's Federal Employer Identification Number (FEIN) or Taxpayer Identification Number (TIN), as applicable.
- d) A certification that the applicant will comply with informational and reporting requirements established under this Part.
- e) A statement that the applicant agrees to accept service by electronic means as provided for in Section 200.1050 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.1050).
- f) An exhibit (with any confidential personal information such as a Social Security number redacted) containing the following information for each qualified person who will perform or directly supervise installations, maintenance, or repairs to satisfy the requirements of this Part:
 - 1) A copy of the certification of satisfactory completion of the relevant training programs; and/or
 - 2) An affidavit by each qualifying person attesting to having satisfactorily completed at least five installations of electric vehicle charging stations.
- g) An applicant shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.
 - 1) The applicant shall be deemed to have sufficient commercial general liability insurance, which is comprised of premises and operations insurance and products and complete operations insurance. The commercial general liability insurance shall have a coverage limit of at least \$100,000 per occurrence and \$300,000 aggregate limits for bodily injury.
 - 2) In addition, the applicant shall have property damage insurance with limits of at least \$25,000 or shall have a policy with a single limit for bodily injury and property damage of up to \$300,000 per occurrence and \$300,000 aggregate limits.

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- 3) The commercial general liability insurance must be maintained with an insurance company whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its successor.
- 4) The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or Commission-certified IMR renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission. The IMR shall file a copy of the additional or replacement certificate of insurance with the Chief Clerk of the Commission and provide a copy to the "Policy Division – IMR Insurance Compliance" or its successor at least 15 days in advance of the effective date of the certificate of insurance. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the IMR as it appears in the most recent Commission order granting the IMR certification.

Section 469.50 Certification Requirements

An applicant shall be certified if its application satisfies the following requirements.

- a) The applicant certifies that it will remain in compliance with all applicable laws and regulations and Commission rules and orders including, but not limited to, the requirements of Sections 16-128(a) and 16-128A of the Act and of this Part.
- b) The applicant certifies that it will ensure that its employees, agents or contractors that install, maintain or repair electric vehicle charging stations, or the employees, agents or contractors of any entity, agent or contractor with which it has contracted to perform those functions within the State of Illinois, shall:

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- 1) Comply with applicable building and electrical codes, including those contained in the NEC;
 - 2) Comply with the electric vehicle charging station manufacturer's installation, maintenance and repair instructions;
 - 3) Install only electric vehicle charging stations that meet the standards UL2202 - Electric Vehicle (EV) Charging System Equipment, UL2231-1 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: General Requirements, UL2231-2 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: Particular Requirements for Protection Devices for Use in Charging System and UL2594 - Electric Vehicle Supply Equipment, developed by the Underwriters Laboratory, 333 Pfingsten Road, Northbrook IL 60062;
 - 4) Ensure that all IMR obligations required under this Part and Sections 16-128(a) and 16-128A of the Act are met prior to the placing into, or returning into, use any electric vehicle charging station that the certificate holder installed, maintained or repaired; and
 - 5) Submit notifications to the servicing electric utility in accordance with the requirements specified in the applicable tariffs of the servicing electric utility, Section 16-128A of the Act, and this Part.
- c) The applicant certifies that it will comply with applicable municipal licensing and bonding requirements to do business in the State of Illinois.
- d) The applicant certifies that every installation, maintenance and repair of an electric vehicle charging station will be performed only by:
- 1) a qualified person;
 - 2) a person licensed as an electrical contractor in at least one municipality in the State of Illinois who is not a qualified person, provided he/she is directly supervised by a qualified person; or
 - 3) a person enrolled in a training program that upon satisfactory completion will meet the requirement to become a qualified person, provided he/she is directly supervised by a qualified person.

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- e) The applicant certifies that it is licensed to do business in the State of Illinois.

Section 469.60 Certifications Conditioned Upon Compliance

Each certification issued to an applicant is conditioned upon compliance with the provisions of this Part and Sections 16-128(a) and 16-128A of the Act. Violation of this Part or the Act make the IMR subject to penalties, including certificate suspension, revocation, fines or a combination of sanctions.

Section 469.70 Annual Recertification and Reporting

- a) A certificate holder shall recertify annually to remain in good standing with the Commission. Recertification involves submitting a Recertification Report that includes the information required by subsection (c) of this Section and, for any late reports, any applicable late fees.
- b) By April 1 of each year, each certificate holder shall submit a Recertification Report identified with the name of the certificate holder as it appears in the most recent Commission order granting certification under this Part. The report shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).
- c) The Recertification Report shall contain the following information:
- 1) A statement certifying that the certificate holder continues to maintain the required qualifications for the service authority granted in its certificate;
 - 2) A list of all persons who installed, maintained or repaired vehicle charging stations on behalf of the certificate holder during the previous calendar year. For each person, the report shall state whether the certificate holder provided the person's qualification to the Commission with the certificate holder's original application or with a recertification report. If the latter, the report shall identify the relevant recertification report for each person by the calendar year it covered;
 - 3) A list of all qualified persons currently employed by the certificate holder. For each person not listed in response to subsection (c)(2), the report shall

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state when the person began employment and provide for each person proof of the person's qualifications consistent with Section 469.40(f);

- 4) A statement confirming the certificate holder's continuing compliance with all requirements set forth in this Part and Sections 16-128(a) and 16-128A of the Act; and
 - 5) The number of electric vehicle charging stations, classified by customer class and charging capacity, that the certificate holder installed during the prior calendar year in each electric utility's service area.
- d) The report shall not contain customer identifying information.
 - e) All reports shall provide the name, telephone number, email address and mailing address of at least one person designated by the certificate holder to address questions pertaining to the report.
 - f) A certificate holder that does not submit a Recertification Report within 30 days of the April 1 annual recertification date is subject to late fees as specified in Section 469.110.

Section 469.80 Complaint Procedures

Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160, 200.170 and 83 Ill. Adm. Code 280.170. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

Section 469.90 Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may investigate any and all activities subject to this Part or Sections 16-128(a) and 16-128A of the Act, including violations of this Part or of Sections 16-128(a) and 16-128A of the Act.
- b) If, after notice and hearing, the Commission determines that an IMR is installing, maintaining or repairing electric vehicle charging station facilities without Commission certification, the Commission shall issue penalties for noncompliance.

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Section 469.100 Maintenance of Records

The certificate holder shall agree to adopt and follow rules and procedures ensuring that documentation regarding installing, maintaining and repairing electric vehicle charging stations are retained for a period of not less than three calendar years after the calendar year in which they were created. These records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis.

Section 469.110 Fees

- a) The following fees shall apply:
 - 1) Application for certification \$50
 - 2) Late filing annual Recertification Report (minimum \$100) \$10/day
 - 3) Returned check fee \$25
- b) Application and recertification fees are nonrefundable.
- c) All fees under this Part shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/IMR Certification". Each payment shall be accompanied by documentation identifying what fee is being paid, the IMR's name, address and Federal Employer Identification Number (FEIN)/Taxpayer Identification Number (TIN).

Section 469.120 Obligations of Electric Utilities, IMRs and Retail Customers

- a) Each electric utility shall file a tariff or tariffs with the Commission setting forth the documentation that each retail customer who owns, uses, operates or maintains an electric vehicle charging station in the electric utility's service territory must provide to an electric utility. The electric utility's tariffs shall require the following information from retail customers:
 - 1) The name, address, and electric utility account number of the retail customer who owns, uses, operates, or maintains the electric vehicle charging stations;

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- 2) The location of the electric vehicle charging stations;
 - 3) When an electric vehicle charging station is to be installed by an IMR, the business name, address and phone number of the IMR that is the certificate holder;
 - 4) When an electric vehicle charging station is to be installed by an IMR, the Commission docket number in which the IMR obtained a certificate from the Commission;
 - 5) The load and technical specifications of the charging stations;
 - 6) Whether the charging station is for personal or commercial use; and
 - 7) Upon completion of the installation of an electric vehicle charging station, a certification that the electric vehicle charging station was installed by the retail customer as a self-installer, or a copy of the invoice for the installation services or other information demonstrating that the designated IMR installed the electric vehicle charging station.
- b) Retail customers shall comply with the following:
- 1) Prior to installation of an electric vehicle charging station, the retail customer shall provide notice in writing to the servicing electric utility of plans to install an electric vehicle charging station. The notice shall include the information specified in subsections (a)(1) through (a)(6);
 - 2) Within 30 days after the installation date, the retail customer shall submit to the servicing electric utility the information specified in subsection (a)(7);
 - 3) If a retail customer self-installs an electric vehicle charging station and elects to convert the electric vehicle charging station from personal use to commercial purposes, the retail customer shall take the following actions:
 - A) Have a Commission-certified IMR inspect the electric vehicle charging station to evaluate the adequacy and safety of the electric vehicle charging station and provide the results of the inspection to the servicing electric utility; and

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- B) Provide notice to the servicing electric utility at least 30 days in advance of the customer's plans to use the electric vehicle charging station for commercial purposes;
 - 4) Each retail customer that installs an electric vehicle charging station, whether as a self-installer or through an IMR, shall ensure that documentation regarding the installation is retained for a period of not less than three calendar years after the calendar year in which the installation occurred; and
 - 5) Each retail customer that self-installs an electric vehicle charging station shall ensure that documentation regarding conversion of self-installed electric vehicle charging stations to commercial use is retained for a period of not less than three calendar years after the calendar year in which the conversion occurred.
- c) Electric vehicle charging station installers, maintainers and repairers shall comply with the following:
- 1) Each IMR that installs an electric vehicle charging station shall ensure that documentation regarding the installation is retained for a period of not less than three calendar years after the calendar year in which the installation occurred; and
 - 2) Each IMR involved in the inspection of a self-installed electric vehicle charging station converted to commercial use shall ensure that documentation regarding the conversion is retained for a period of not less than three calendar years after the calendar year in which the inspection occurred.

Section 469.130 Initial Compliance Date

The initial date for compliance with this Part is January 1, 2014.

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1455.130	Amend
1455.316	New
1455.345	New
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) Effective Date of Rule: December 31, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, in Section 1455.315, but USPAP has been defined in Section 1455.10 as material being incorporated by reference.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 7851; June 14, 2013
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Section 1455.316(a)(3), in the second sentence added "action" following "disciplinary".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Effective July 1, 2013, the Appraisal Subcommittee (ASC), under the Federal Financial Institutions Examination Council, formally incorporated new requirements into its state compliance review process, as

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required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. ASC recently conducted a review of our State standards to determine whether we are in compliance with their standards and concluded that there are a few deficiencies we must fix. These amendments are intended to satisfy ASC's concerns with Illinois' regulatory standards and will become effective immediately, upon filing for final adoption.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Application for Military Deferral; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Qualifying Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real

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- Estate Trainee Appraiser; Non-Resident Qualifying Education; In Lieu of Requirements; Foreign Degrees
- 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; Non-Resident Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

- Section
- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.195 Acceptable Experience Credit and Request for Reconsideration
- 1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

- Section
- 1455.205 Record Keeping Requirements
- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

- Section
- 1455.250 Appraiser Responsibilities as Relating to Appraisal Management Companies
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with the Division
- 1455.300 Felony Convictions; Discipline of Other Professional License; Notification
- 1455.310 Unprofessional Conduct
- 1455.315 Supervisor and Trainee Requirements (Repealed)
- | [1455.316 Supervisor and Trainee Requirements](#)

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SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
- 1455.330 Granting of Variances
- 1455.340 Duties of the Secretary
- 1455.345 IDFPR Coordinator of Real Estate Appraisal

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Qualifying Education Course Requirements of Education Providers
- 1455.365 Practicum Course Requirements
- 1455.370 Qualifying Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser
- 1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)
- 1455.390 Continuing Education Course Requirements of Education Providers
- 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
- 1455.410 Distance Education
- 1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education and Continuing Education Courses
- 1455.430 Continuing Education Reporting
- 1455.440 Transcript or Certificate of Completion
- 1455.445 Grounds for Education Provider Discipline

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions (Repealed)
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (Repealed)

SUBPART J: HEARINGS

Section

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- 1455.470 Applicability (Repealed)
1455.480 Administrative Law Judges (Repealed)
1455.490 Disqualification of an Administrative Law Judge (Repealed)
- 1455.APPENDIX A Caption for a Case Filed by the Division (Repealed)
1455.APPENDIX B Caption for a Case Filed by the Petitioner (Repealed)

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011; amended at 35 Ill. Reg. 19505, effective November 17, 2011; amended at 37 Ill. Reg. 2668, effective April 1, 2013; amended at 37 Ill. Reg. 19189, effective December 31, 2013.

SUBPART B: LICENSING REQUIREMENTS

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Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division.
- c) Any person issued a temporary practice permit shall be limited to a specific appraisal assignment. For the purposes of this Section, the term "assignment" shall mean one or more~~no more than 5~~ real estate appraisals and no more than 5 written appraisal reports that are covered by ~~an appraisal~~ contract to provide an appraisal. A copy of the master agreement, as defined in Section 1455.10, must be supplied to the Division in the absence of a specific engagement.
- d) Any person issued a temporary practice permit shall be subject to the provisions of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.
- e) If the Division takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.
- f) Persons issued a temporary practice permit shall affix the temporary practice permit number, issuance date, expiration date of the temporary practice permit, and permit title within the body of the report beneath the licensee's signature, on

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the certification page and wherever the signature appears.

- g) The permit title is "Illinois Temporary Practice Permit". Temporary Practice Permit assignments covered by a master agreement, as defined in Section 1455.10, or a written engagement must include, at a minimum, the date of the master agreement, the intended user, the intended use, the property type and the location of the Illinois property that is the subject of the report.

(Source: Amended at 37 Ill. Reg. 19189, effective December 31, 2013)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.316 Supervisor and Trainee Requirements

- a) Requirements of a Supervising Appraiser
- 1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
 - 2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience may be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.
 - 3) A supervising appraiser shall hold an active valid license issued under the Act as a Certified General Real Estate Appraiser or a Certified Residential Real Estate Appraiser. The license held by the supervising appraiser shall be in good standing and shall not have been subject to any disciplinary action within any jurisdiction within the last 3 years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice. A

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supervisory appraiser subject to a disciplinary action would be considered to be in "good standing" 3 years after the successful completion/termination of the sanction imposed against the appraiser.

b) Requirements of an Associate Real Estate Trainee Appraiser

- 1) An Associate Real Estate Trainee Appraiser shall provide to the Division, in writing, the name and address of each supervising appraiser within 10 days after engagement, and shall notify the Division in writing immediately upon termination after the engagement.
- 2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:
 - A) Type of property;
 - B) Date of report;
 - C) Property description;
 - D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;
 - E) Number of actual work hours by the trainee on the assignment; and
 - F) The signature and State license number of the supervising appraiser.

(Source: Added at 37 Ill. Reg. 19189, effective December 31, 2013)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.345 IDFPR Coordinator of Real Estate Appraisal

The Coordinator of Real Estate Appraisal appointed pursuant to Section 25-15 of the Act shall, during his or her tenure as Coordinator of Real Estate Appraisal, complete and remain current with regard to all continuing education requirements of the Act and this Part as if his or her real estate appraiser license were active. Upon termination of his or her tenure as Coordinator of Real

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Estate Appraisal, the license of that person shall not be restored to active status unless and until all requirements of this Part are met.

(Source: Added at 37 Ill. Reg. 19189, effective December 31, 2013)

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- 1) Heading of the Part: Dissolution and Reestablishment of Inactive Police Pension Funds and Firefighters' Pension Funds
- 2) Code Citation: 50 Ill. Adm. Code 4439
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
4439.10	New
4439.20	New
4439.30	New
4439.40	New
4439.50	New
4439.60	New
4439.70	New
4439.80	New
4439.90	New
- 4) Statutory Authority: Implementing and authorized by Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1]
- 5) Effective Date of Rule: November 18, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 7871; June 14, 2013
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were none.
- 13) Will this rule replace any emergency rule currently in effect? No

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- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-99, effective January 1, 2012, allows the dissolution of an Article 3 (Police) or Article 4 (Firefighter) Pension Fund that no longer has any remaining liabilities. In order to qualify, the fund would have to have no potential liability to actives, retirees, dependents or deferred members. The fund would have to be reestablished if the municipality hired new fire or police personnel at a future date or if an employee who previously withdrew time wished to re-establish that service time. PA 97-99 calls for the Department of Insurance to promulgate rules to govern this dissolution and reestablishment process.

The rule defines when and in what manner a municipality may dissolve a pension fund under either Article 3 or Article 4 of the Illinois Pension Code. The rule also defines when and in what manner a municipality is required to reestablish the previously dissolved pension fund.

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

Scott J. Brandt
Public Pension Division
IL Department of Insurance
320 W. Washington Street
Springfield, Illinois 62767-0001

217/785-7410

The full text of the Adopted Rule begins on the next page.

DEPARTMENT OF INSURANCE

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER aaa: PENSIONS

PART 4439

DISSOLUTION AND REESTABLISHMENT OF INACTIVE POLICE
PENSION FUNDS AND FIREFIGHTERS' PENSION FUNDS

Section

4439.10	Purpose
4439.20	Applicability
4439.30	Definitions
4439.40	Dissolution of Pension Fund
4439.50	Requirements of Independent Auditor Certification
4439.60	Resolution or Ordinance to Dissolve the Pension Fund
4439.70	Re-establishment of Dissolved Pension Fund – New Hires
4439.80	Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 3 Police Pension Fund
4439.90	Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 4 Firefighters' Pension Fund

AUTHORITY: Implementing and authorized by Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1].

SOURCE: Adopted at 37 Ill. Reg. 19199, effective November 18, 2013.

Section 4439.10 Purpose

The purpose of this Part is to set forth the processes, procedures and requirements necessary for the dissolution of an inactive Article 3 police pension fund or an inactive Article 4 firefighters' pension fund, and the processes, procedures and requirements for the reestablishment of a dissolved Article 3 police pension fund or a dissolved Article 4 firefighters' pension fund pursuant to Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1].

Section 4439.20 Applicability

This Part shall apply to the pension funds established under either Article 3 or Article 4 of the Code for which Section 3-144.6 or 4-106.1 applies.

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Section 4439.30 Definitions

"Active member" means a police officer or firefighter who is in active service and a participant of a pension fund established pursuant to Article 3 or Article 4 of the Code, respectively.

"Beneficiary" means a person eligible for or receiving benefits from a pension fund as provided in the Article of the Code under which the pension fund is established.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Creditable service" shall have the same meaning as in Section 3-110 or 4-108 of the Code.

"Current pension fund" means the pension fund currently being dissolved.

"Current value" means the fair market value, when available; otherwise, the fair value as determined in good faith by the municipality, assuming an orderly liquidation at the time of the determination.

"Date of refund" means the date the police officer or firefighter received a refund from the respective pension fund pursuant to Section 3-124 or 4-116 of the Code.

"Director" means the Director of the Illinois Department of Insurance.

"Firefighter" shall have the same meaning as in Section 4-106 of the Code.

"Former firefighter" means an individual who terminated service with the municipal fire department and requested and received a refund of employee contributions from the firefighters' pension fund.

"Former police officer" means an individual who terminated service with the municipal police department and requested and received a refund of employee contributions from the police pension fund.

"Independent auditor" means an independent certified public accountant or independent accounting firm in good standing with the American Institute of CPAs and all states in which the accountant is licensed to practice.

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"Municipality" shall have the same meaning as in Section 3-103 of the Code for police pension funds and in Section 4-103 of the Code for firefighters' pension funds.

"Participant" means a police officer, firefighter, deferred pensioner or beneficiary of the respective pension fund. Participant also includes anyone who terminated service prior to being eligible to receive a benefit and has not requested and received a refund of contributions.

"Pension Division" means the Public Pension Division of the Illinois Department of Insurance.

"Police officer" or "Officer" shall have the same meaning as in Section 3-106 of the Code.

"Prior pension fund" means the pension fund in which the police officer or firefighter had accumulated creditable service time prior to becoming a member of the current pension fund.

"Refund" means the amount of contributions a police officer or firefighter received pursuant to Section 3-124 or 4-116 of the Code, respectively.

Section 4439.40 Dissolution of Pension Fund

- a) The corporate authorities of a municipality in which an Article 3 or Article 4 pension fund has been established may choose to dissolve the pension fund by resolution or ordinance if an independent auditor has certified to the authorities that the fund has no liabilities, no participants and no annuitants or beneficiaries entitled to benefits currently or in the future; the Pension Division performs a final examination of the pension fund; and all former police officers and firefighters are informed of the intent to dissolve the pension fund.
- b) The corporate authorities of a municipality shall not dissolve an Article 3 or Article 4 pension fund prior to the independent auditor certifying to the authorities that the fund has no liabilities, no participants and no annuitants or beneficiaries entitled to benefits currently or in the future, and the requirements of Sections 4439.50 and 4439.60 are complete. The cost of this certification shall be borne by the municipality.

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- c) The corporate authorities of a municipality shall not dissolve an Article 3 or Article 4 pension fund prior to the Pension Division performing a final examination of the pension fund that includes, but is not limited to, a review of independent auditor certification as required in Section 4439.50. The corporate authorities of a municipality shall not dissolve the pension fund prior to the municipality receiving a certification from the Pension Division that the municipality has complied with the requirements set forth in this Section.
- d) The corporate authorities of a municipality shall notify all former police officers identified in the independent auditor certification of the intent to dissolve the Article 3 police pension fund and all former firefighters identified in the independent auditor certification of the intent to dissolve the Article 4 firefighters' pension fund by certified letter to the last known address and by public notice 60 days prior to the dissolution of the pension fund.

Section 4439.50 Requirements of Independent Auditor Certification

- a) Prior to the corporate authorities of a municipality dissolving the pension fund by resolution or ordinance, an independent auditor must certify to the authorities that the pension fund has no liabilities, no participants and no beneficiaries, and no deferred pensioners entitled to benefits currently or in the future. A copy of the independent auditor certification shall be submitted to the Pension Division within 30 days after completion of the certification. The municipality shall include with the submission to the Pension Division, if not already included in the independent auditor certification, a copy of the independent auditor's report, including, but not limited to, the information required in subsection (b).
- b) The audit shall include, but not be limited to:
 - 1) a review of the most recent annual report filed with the Pension Division;
 - 2) a review of the assets held in the name of the pension fund, recording in the audit report the assets and the current value of the assets;
 - 3) a determination of whether the pension fund has any remaining participants or beneficiaries or former members who have not received a refund;
 - 4) a determination of whether the pension fund has any remaining liabilities, including a report of any remaining liabilities of the pension fund;

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- 5) a determination of whether the pension fund has any former members who have received a refund, recording the individual's:
- A) Name;
 - B) Original date of hire;
 - C) Date of termination;
 - D) Dates of any disability or service breaks;
 - E) Creditable service time in the pension fund;
 - F) Date of refund; and
 - G) Amount of refund.

Section 4439.60 Resolution or Ordinance to Dissolve the Pension Fund

- a) The corporate authorities of a municipality in which an Article 3 or Article 4 pension fund has been established may dissolve the pension fund by resolution or ordinance after completion of the requirements in Section 4439.40.
- b) The corporate authorities of the municipality in which an Article 3 or Article 4 pension fund has been dissolved shall submit to the Pension Division a copy of the signed and dated resolution or ordinance dissolving the pension fund within 30 days after passage.

Section 4439.70 Re-establishment of Dissolved Pension Fund – New Hires

The corporate authorities of a municipality in which an Article 3 police pension fund or Article 4 firefighters' pension fund has been dissolved in accordance with Section 3-144.6 or 4-106.1 of the Code, respectively, shall re-establish the pension fund if a police officer, as defined in Section 3-106, or a firefighter, as defined in Section 4-106, is hired by the municipality subsequent to the pension fund's dissolution. The pension fund shall be re-established in the same manner as it was originally established under Section 3-101 or 4-101 of the Code.

Section 4439.80 Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 3 Police Pension Fund

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- a) The corporate authorities of a municipality in which an Article 3 police pension fund has been dissolved in accordance with Section 3-144.6 shall temporarily re-establish the pension fund if a former police officer's reinstatement of creditable service is required under Section 3-110.7(b) of the Code and 50 Ill. Adm. Code 4404.
- b) Upon receipt of notification by the municipality of the former police officer's intent to transfer creditable service under Section 3-110(d) of the Code, as required in 50 Ill. Adm. Code 4404.60, the municipality shall provide the former officer and the former officer's current pension fund with the information required of the prior fund in 50 Ill. Adm. Code 4404.70, as if the municipality was the prior pension fund.
- c) When the municipality receives a final authorization to transfer creditable service from the former officer's current pension fund, as required by 50 Ill. Adm. Code 4404.100, and the repayment of the refund with interest from the former officer as required in 50 Ill. Adm. Code 4404.90(a)(1), the municipality must transfer the designated creditable service time to the former police officer's current pension fund, along with all monies required to be transferred pursuant to 50 Ill. Adm. Code 4404.100(b).
- d) Upon the municipality's payment of all monies prescribed to the former police officer's current pension fund, the temporarily re-established police pension fund shall be considered dissolved.

Section 4439.90 Re-establishment of Dissolved Pension Fund – Reinstatement Service in an Article 4 Firefighters Pension Fund

- a) The corporate authorities of a municipality in which an Article 4 firefighters' pension fund has been dissolved in accordance with Section 4-106.1 of the Code shall re-establish the pension fund if a former firefighter's reinstatement of creditable service is required under Section 4-109.3(g) of the Code.
- b) Benefits under Section 4-109.3 of the Code
 - 1) A former firefighter who wants to receive benefits under Section 4-109.3 of the Code shall submit to the municipality:

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- A) notification of the intent to receive benefits, as required by Section 4-109.3(h) of the Code;
 - B) payment of the amount of refund received from the firefighter, with interest, as required by Section 4-109.3(g) of the Code; and
 - C) the additional contribution, with interest, required under Section 4-109.3(i) of the Code.
- 2) When the firefighter has adequately complied with the requirements of subsection (b)(1), the municipality shall re-establish the firefighters' pension fund in the same manner as it was originally established under Section 4-101 of the Code.
- c) The board of trustees for the re-established pension fund created under subsections (a) and (b) shall consist of the former firefighter and two members appointed by the mayor or president of the board of trustees of the municipality or fire protection district involved. If two or three former firefighters reinstate creditable service in the re-established pension fund, those former firefighters shall sit on the board of trustees with the two appointed members. If more than three former firefighters reinstate creditable service in the re-established pension fund, or the municipality hires a full time firefighter, the board of trustees shall be created in the manner prescribed in Section 4-121 of the Code.

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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>Adopted Action:</u>
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	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) Effective Date of Rule: November 14, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 16, 2013, 37 Ill. Reg. 13148
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 590.20(c)(2)(B), after "Area" add a comma and before "statewide" add "the same as those in effect"

Section 590.40(a)(14), change "(P-2 handicapped certification)" to "classified under 15 ILCS 335/4A as P2a disabilities, as demonstrated by an Illinois Person with a Disability Identification Card."

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Section 590.60(b)(43)(B), strike "P-2" and add "P2a" and before the period add "(see Section 40(1)(14))".

Section 590.80(b), strike "(1)" and add "*" on Woodford State Fish and Wildlife Area.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to make Statewide program changes, open and close State-owned or –managed sites and amend procedures at State sites.
- 16) Information and questions regarding these adopted rulemakings shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 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. 16457, effective October 8, 2010; amended at 35 Ill. Reg. 13161, effective July 26, 2011; amended at 37 Ill. Reg. 19208, effective November 14, 2013.

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

- a) Definitions
 - 1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department.
 - 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
 - 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
 - 4) Drawing – Procedure by which blind sites are assigned.
 - 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
 - 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
 - 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
 - 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.
- b) Blind Construction
 - 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy

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enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds. At Mississippi River Pools 25 and 26, river blinds located on the Mississippi and Illinois Rivers and at Batchtown management area located on the river side of the closing levee may also be pull-in boat hide blinds. Boat hide blind must have a minimum size of 18' x 7.5', be sturdy enough to withstand daily use considering conditions of the site, and be maintained in good condition throughout the season. Boat hide blinds shall be completed, including final brushing, by four weeks prior to the opening day of duck season. Failure to meet these standards shall result in forfeiture of the blind site.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake State Natural Area until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, 7 days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final

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brushing, by the day before the opening day of the regular duck season.

- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days after the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Department.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', except all blinds allocated and constructed after January 1, 2005 must have minimum dimensions of 18' x 7½'. Boat hides shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
- 9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with

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cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

- c) Use of blinds
- 1) 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.
 - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
 - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.
 - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
 - 7) 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.
 - 8) At sites where a manned check station is in operation, hunters are required to show their hunting license and Federal and State Migratory Waterfowl Stamp. Persons exempt by law from having a hunting license and an Illinois stamp must show valid photo identification (example: ~~their~~ Firearm Owner's Identification Card, driver's license, etc.). ~~Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.~~
 - 9) Cutting of vegetation greater than 4 inches diameter~~diameter~~ at breast

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height (d.b.h.) will result in loss of the blind for the current allocation period.

d) Public Drawing

- 1) Time and place for all sites holding drawings shall be publicly announced by the Department.
- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp ~~and a current Firearm Owner's Identification Card~~ unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have ~~a valid photo identification (example: Firearm Owner's Identification Card, driver's license).~~ ~~Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing.~~ In order to be an eligible applicant for the drawing, the participant must not at the time of the drawing have his/her hunting privileges suspended or revoked by the Department or any other jurisdiction. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.
- 3) No person is eligible to draw for a waterfowl blind who has had his or her hunting privileges suspended by Illinois or any other state, or is prohibited from possessing a firearm due to a conviction for violation of a State or federal law, or is prohibited from possessing a firearm by action of law regardless of conviction status (such as homeland security, under order of protection, etc.). Any ineligible person who submits an application to draw for a waterfowl blind shall be refused, if known by the drawer at the time to be ineligible, or shall have his or her draw declared void upon discovery of ineligibility by the Department. A refused or voided application shall be referred to the appropriate State's Attorney for possible prosecution under the Criminal Code of 1961 [720 ILCS 5].

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the

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following rules:

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
 - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
 - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
 - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 37 Ill. Reg. 19208, effective November 14, 2013)

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

[Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area](#)

Double T State Fish and Wildlife Area

Horseshoe Lake State Fish and Wildlife Area

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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 applications shall be accepted starting August 16. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 5 permits for duck hunting and 5 permits for goose hunting as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one duck permit and one goose permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first duck and goose permit. Residents will have preference in the 2nd lottery. Residents and non-residents can apply for a 2nd permit for duck and goose hunting in the 3rd lottery. Residents will have preference in the 3rd lottery. Residents and non-residents can apply for a 3rd, 4th and 5th duck and goose permit during the phone-in reservation period to be held after the 3rd lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit.
- 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 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].

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- 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 and Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area. 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.
- B) Double T State Fish and Wildlife Area from October 1 through the close of the Central Zone Duck hunting season.

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- 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. Marshall State Fish and Wildlife Area – Duck Ranch Unit will have statewide hours for early and late goose seasons.
- 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 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. At Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area, hunting hours are the same as those in effect statewide. Permit hunters have sole access to the blind sites for the day and may occupy or leave the site as desired during legal access hours.
- C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow

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State Fish and Wildlife Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not 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 through 28. (These sites shall be open only for the Illinois Youth Waterfowl Hunt on December 28, 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

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and Rice Lake State Fish and Wildlife Area – Walk-in Units is the dates of the Central Zone duck hunting season.

- 8) The legal hunting season for the Sangchris Lake subimpoundmentSubimpoundment 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 subimpoundmentSubimpoundment 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 subimpoundmentSubimpoundment only Department decoys may be

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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 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.

17) [The legal hunting season for Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area will be every Tuesday, Thursday and Saturday of the Central Zone regular duck and Canada goose season.](#)

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

(Source: Amended at 37 Ill. Reg. 19208, effective November 14, 2013)

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; all interior lakes and sloughs located on Turner Island will be noted as walk-in or boats without motors only; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24

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decoys in the walk-in area; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)

- 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; all interior lakes and sloughs located on 12 Mile Island will be noted as walk-in; only boats without motors are allowed in the management area; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)
- 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 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; hunting hours for early and late goose seasons will end at sunset)
- 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)

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- 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 must be removed 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

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blind materials; hunting hours for early and late goose seasons will end at sunset; hunting at the Woodford State Fish and Wildlife Area – Forest Wetland Unit will take place every Wednesday and Saturday during the Central Zone duck hunting season; 2 blinds will be available by a drawing held at the site office 60 minutes prior to shooting hours (1½ hours before sunrise); hunters with disabilities classified under 15 ILCS 335/4A as P2a disabilities, as demonstrated by an Illinois Person with a Disability Identification Card, will draw for blinds first; blinds not claimed by hunters with disabilities may be drawn by other hunters)

- 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, show hunting licenses or valid photo identification (example: Firearm Owner's Identification Card, driver's license, etc.)Cards and receive all required materials 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.
 - 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.

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- 4) All hunters must be checked out within one hour of the close of the legal hunting hours. To complete the check out process, all hunters must complete the hunter harvest card/sheet and deposit it in the box provided. 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).
- 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. Once 4 hunters have occupied a blind, all original occupants of the blind must check out at the check

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station before any additional hunters may occupy that blind. Blinds may be reallocated on a first-come, first-served basis or, if multiple parties arrive at the check station at 8:00 a.m., there will be a second drawing, 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.-12:00 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.
- 12) Any person who violates any provision of this Part shall be subject to arrest and/or removal from the premises under applicable statutes, including Section 21-5 of the Criminal Code (Criminal Trespass to State Supported Land).

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

(Source: Amended at 37 Ill. Reg. 19208, effective November 14, 2013)

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. Sites that require use of windshield cards by hunters as

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specified in 17 Ill. Adm. Code 510.10 are followed by (2).

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

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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 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~~) (2)

Meredosia Lake State Fish and Wildlife Area (2 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

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year blind allocation period)

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 – entire pool, except river miles 309-314 (north of Shuck Island to north end of Armstrong Island) 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 for registered blinds; floating blinds required at sites identified in the site's Hunter Fact Sheet)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period; all interior lakes and sloughs located on Kelly Island will be noted as walk-in or boats without motors only; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24 decoys in the walk-in area; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)

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 or boats without motors area only; no permanent blinds; daily hunting hours will close at 12:00 p.m. CST; hunting parties

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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 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)

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- 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 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.

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- 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 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.
 - 11) Any person who violates any provision of this Part shall be subject to arrest and/or removal from the premises under applicable statutes, including Section 21-5 of the Criminal Code (Criminal Trespass to State Supported Land).
- 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 37 Ill. Reg. 19208, effective November 14, 2013)

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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). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (2).
 - 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.

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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.~~
- ~~12)~~ Boston Bay (Mississippi River Pool 18)
No permanent blinds may be built; temporary blinds only; 200 yards apart.
- ~~23)~~ Cache River State Natural Area (hunters must sign in prior to hunting and sign out and report their harvest at the end of each day) (1)
- ~~34)~~ Campbell Pond State Wildlife Management Area (1)
- ~~45)~~ Cape Bend State Fish and Wildlife Area (1)
- ~~56)~~ 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, ~~North Forknorthfork~~, ~~East Forkeastfork~~, 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.

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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 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

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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.

67) Chauncey Marsh State Natural Area (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

78) Clinton Lake State Recreation Area (1) (2)

- 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 ~~the shorestaked sites~~ in designated walk-in hunting 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.

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- 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 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 by the Springfield Permit Office at the site. Procedures for applying for a permit at the site will be publicly announced.
- 89) 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.

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- 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.

~~910~~) Copperhead Hollow State Wildlife Area ~~(2)(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.~~

~~1011~~) Cypress Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

~~1112~~) Deer Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

~~1213~~) Devil's Island State Fish and Wildlife Area (1)

~~1314~~) Dog Island State Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

~~1415~~) 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.

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- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or valid photo identification (example: Firearm Owner's Identification CardCards, driver's license) 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.
- 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).
- 1516) 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

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decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

| ~~1617~~) Fox Ridge State Park (1) ~~(2)~~
Hunting restricted to Embarras River and its flood waters.

| ~~1718~~) 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 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.

| ~~1819~~) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations 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.

| ~~1920~~) Freeman Mine
Hunting regulations will be publicly announced.

| ~~2021~~) 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

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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.
- 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.

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- 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.
- 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.

~~2122~~) Henderson Creek State Fish and Wildlife Area (2)

~~2223~~) Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1) (2)

~~2324~~) 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.

~~2425~~) Horseshoe Lake Refuge
No hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

~~2526~~) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

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Site permit required.

26) Jim Edgar Panther Creek State Fish and Wildlife Area

- A) Waterfowl hunting on Prairie Lake will be allowed on Wednesdays and Saturdays starting November 1 each year and ending no later than January 15 of each year.
- B) Staked hunting sites shall be allocated on a daily draw basis conducted at 5:00 a.m. at the site office. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a hunt stake in order drawn; only those hunters registered in the party shall be allowed to hunt with the party; no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- C) Hunting hours will be legal opening shooting hours for Jim Edgar Panther Creek's respective Illinois waterfowl zone to 12:00 p.m.
- D) Access to water hunt stakes must be by boat only and from designated boat launch sites.
- E) Upon vacating hunt stakes, all hunters must report to the site office within one hour to sign out and report harvest.
- 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) Hunting shall take place from boats anchored within 10 yards of Department assigned hunt stakes only. Hunters must occupy hunt stakes within one hour after registering at the check station. No guns may be carried from hunt stakes to retrieve waterfowl that fall on land.
- H) Hunting is closed Christmas Day (December 25).
- I) Hunting parties may move to unoccupied hunting stakes after 10:00 a.m. Hunting location moves need to be recorded when

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hunters check out after the hunt.

J) When it is deemed necessary, the Department shall remove, move or close hunt stakes in order to carry out the operations of the overall management program.

27) 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 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

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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 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.

28) Kickapoo State Recreation Area (2)

- 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.

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- 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.
- 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.

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

| 30) Lake Michigan (1)

| 3130) Mernet Lake State Fish and Wildlife Area

- A) No fishing on the area during duck season.
- B) 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.

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- C) 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.
- D) Blind/pool 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). One additional drawing will be held at the manned check station at 9 a.m. for any unoccupied waterfowl blinds/pools.
- E) 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/pool at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind/pool in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- F) Upon allocation of blinds/pools, all hunting parties/hunters must accept and hunt the blind/pool chosen, or reject the allocation of the blind/pool immediately. All those rejecting the allocation of a blind/pool 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/pool per day.
- G) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- H) 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.
- I) 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

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granted by check station operator.

- J) Within the blind/pool 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.
- K) 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.
- L) Hunting must be from allocated blind (or within 10 yards of blind) or pool location. Hunters may hunt other designated waterfowl hunting areas that do not have blinds or pools; however, they must maintain a minimum distance of 200 yards from the nearest blind/pool or other hunting parties.
- M) Attempts to claim a blind/pool 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/pool shall not be considered legal occupation of a blind/pool.
- N) 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.
- O) Claiming or attempting to claim any blind/pool that is legally occupied and/or harassing, in any manner, the occupants of a blind/pool that is legally occupied is unlawful.
- P) Boats without motors may be used within the walk-in areas.

| ~~3234~~) 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

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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.
- 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.

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- 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.
- 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.

| ~~3332~~) Oakford State Conservation Area (1)

| ~~3433~~) Pyramid State Park – Captain Unit (2)

- 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.

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- D) Hunters participating in daily lottery must register as a group not to exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party. 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 during duck season only 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) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property until 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

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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.

3534) Pyramid State Park – Denmark Unit (2)

- 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) Hunters participating in daily lottery must register as a group not to exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party.
- E) Blind sites will be allocated by daily drawing during duck season only 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

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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) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property until 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 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.
- | ~~3635~~) Pyramid State Park – East Conant Unit ~~(2)~~
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.

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- 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) Waterfowl hunters may not access Pyramid State Park property until 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.
- I) The area is closed to waterfowl hunting on Mondays and December 25.

| 3736) Pyramid State Park – Galum Unit (2)

- 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) Hunters participating in daily lottery must register as a group not to

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exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party.

- E) Blind sites will be allocated by daily drawing during duck season only 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) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property until 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 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.

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3837) Ray Norbut State Fish and Wildlife Area (1) (2)

3938) 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 youth 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.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy ~~subimpoundment~~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 ~~subimpoundment~~Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

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- 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.
- 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.

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- 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.
 - 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

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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.

4039) Sahara Woods State Fish and Wildlife Area (1)

4140) Saline County State Conservation Area (1) (2)

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.~~

42) Sam Dale Lake State Fish and Wildlife Area (1) (2)

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~~4341~~) 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 ~~P2aP-2~~ handicapped certification ([see Section 40\(a\)\(14\)](#)).
- C) Hunters must report harvest to site office.

~~4442~~) 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 valid photo identification (example: Firearm Owner's Identification Card, driver's license)~~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

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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.
- 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.

| 4543) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.

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- 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.
- 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.

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- 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 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

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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.

| 4644) 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.

| 4745) 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.

| 4846) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

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- 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.

4947) Shelbyville State Fish and Wildlife Area (2)

- A) Waterfowl hunting shall be permitted as described in this subsection (b)(4946) 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.
 - 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)(4946)(C). Hunting in the Fish Hook Area shall be restricted to designated,

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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)(~~4946~~)(C). 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.~~
- 5048) Sielbeck Forest State Natural Area (1) (2)
- 5149) Stephen A. Forbes State Recreation Area~~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.

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C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

D) Hunters must sign in and out and report harvest.

5250) Ten Mile Creek State Fish and Wildlife Area (1) (2)

~~A)~~ ~~Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.~~

AB) 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.

BC) 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.

5351) Turkey Bluffs State Fish and Wildlife Area (1)
All hunters must sign in and out and report kill.

5452) 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 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.

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- 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.

~~5553~~) Weinberg-King State Park – Spunky Bottoms Unit (1) ~~(2)~~
~~No access restrictions; sign in/sign out required.~~

~~5654~~) Wise Ridge State Natural Area (1)

(Source: Amended at 37 Ill. Reg. 19208, effective November 14, 2013)

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 (*). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (2).
 - 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 @.

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- 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 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. (2)

Des Plaines State Conservation Area #

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area *

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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 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 @ (2)

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units
(hunters must report their harvest via the online windshield card system during early Canada goose and regular Canada goose season after duck hunting is closed)
* @

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 @

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Oakford State Conservation Area

Rend Lake Project Lands and Waters @

Saline County State Conservation Area * (2)

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Shelbyville State Fish and Wildlife Area (2)

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) (2)

Turkey Bluffs State Fish and Wildlife Area *

Weinberg-King State Park – Spunky Bottoms Unit *(+)

Woodford State Fish and Wildlife Area * @ (2)

- 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 * (2)

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after

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regular duck season) * @

Siloam Springs State Park (open prior to regular duck season only; [permit issued through on-site drawing](#)) * #

- 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 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 *

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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 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) @ [\(2\)](#)

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @ [\(2\)](#)

Pyramid State Park – East Conant Unit [\(2\)](#)

Pyramid State Park – Galum Unit @ [\(2\)](#)

Sangchris Lake State Park *

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Stephen A. Forbes State Recreation Area~~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

Mazonia 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 (use of boats within drainage ditch is prohibited)

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

(Source: Amended at 37 Ill. Reg. 19208, effective November 14, 2013)

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- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
685.70	Amendment
685.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Rule: November 14, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: August 16, 2013; 37 Ill. Reg. 13219
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to make Statewide program changes, open and close State-owned or -managed sites and amend procedures at State sites.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt (Repealed)
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

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

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013.

Section 685.70 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to youth deer hunting at the discretion of the Department; open sites will be announced via public announcement. [Open sites that require the use of windshield cards by](#)

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hunters as specified in 17 Ill. Adm. Code 510.10 will be noted in the public announcement.

(Source: Amended at 37 Ill. Reg. 19277, effective November 14, 2013)

Section 685.110 Youth Waterfowl Hunting

- a) Permit Requirements
 - 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.
 - 2) Only one permit per person shall be issued for the hunt on December 27 at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
 - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
 - 4) Permit reservations and transferability.
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:

Illinois Department of Natural Resources

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Youth Waterfowl Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457

- 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
 - 1) Hours, Permits and Stamp Charges
 - A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit) and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
 - B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt 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 on the morning of the hunt to allocate blind sites.
 - C) At Donnelley/DePue State Wildlife Area (3 "i" Unit), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
 - D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits

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are void. A drawing shall be held on the morning of the hunt to allocate blind sites.

- E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
 - 3) Guns must be unloaded and encased at all times when not hunting.
 - 4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
 - 5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.
- c) **Special Hunts**
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs. Open sites that require the use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 will be noted in the public announcement.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 37 Ill. Reg. 19277, effective November 14, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
715.10	Amend
715.25	Amend
715.40	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Rule: November 14, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 16, 2013; 37 Ill. Reg. 13270
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 715.10(a), change "nine" to "9".

Section 715.10(b), strike "/Hardin"; add "Hardin" after "Hancock".

Section 715.25(g)(3), after the closing quote mark, add "of a landowner or tenant" and after "as" add ", and limited to," and after "children" strike the comma.

Section 715.25(h), strike "you are" and strike "you" and add "applicants".

Section 715.25(h)(1), after "A" add "copy of a", strike "(not a hunting rights lease)", and after "or" add "a"; strike "county clerk" and add "County Recorder or County Clerk".

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Section 715.25(h)(2), strike "The authorized form from" and add "A copy of".

Section 715.25, add after subsection (h), add: "i) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit."

Section 715.25, strike "i)" and "j)" and add "j)" and "k)".

Section 715.25(j)(1), strike "(j)" and add "(k)".

Section 715.25, change "k)" to "l)"; change "l" to "m"

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is amended to make Statewide program changes, open and close State-owned or –managed sites and amend procedures at State sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. 14518, effective August 24, 2006; amended at 31 Ill. Reg. 11711, effective July 27, 2007; amended at 32 Ill. Reg. 14830, effective August 27, 2008; amended at 33 Ill. Reg. 13911, effective September 21, 2009; amended at 34 Ill. Reg. 10814, effective July 16, 2010; amended at 35 Ill. Reg. 15259, effective September 2, 2011; amended at 37 Ill. Reg. 19283, effective November 14, 2013.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: ~~The 9~~~~Nine~~ days beginning on Saturday of the Second complete ~~2-day~~~~3-day~~ weekend (~~Friday~~, Saturday ~~and~~, Sunday) after October 10. Hunting outside

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the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).

b) Open Counties

OPEN COUNTIES

Adams

Alexander

Brown

Calhoun

Carroll

Cass

Clark

Clay

Crawford

Edwards

Franklin

Fulton

Gallatin/~~Hardin (south of Rt. 13 only)~~

Greene

Hamilton

Hancock

Hardin

Henderson

Jackson

Jasper

Jefferson

Jersey

Jo Daviess

Johnson

Knox

Lawrence

Macoupin

Madison

Marion

Mason

Massac

McDonough

Menard

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Mercer
Monroe
Morgan
Perry
Pike
Pope
Pulaski
Randolph
Richland
Rock Island
Saline
Schuyler
Scott
Stephenson
Union
Wabash
Warren
Washington
Wayne
White
Whiteside
Williamson
Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 37 Ill. Reg. 19283, effective November 14, 2013)

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" of a landowner or tenant is defined as, and limited to, the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-

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agricultural lease, is not valid for a landowner or tenant permit.

- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:
- Illinois Department of Natural Resources
POH Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
- e) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a).
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed, [recorded/file stamped by the County Recorder or County Clerk](#);
 - 2) Submittal of a copy of contract for deed, [recorded/file stamped by the County Recorder or County Clerk](#);

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- 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears as landowner) upon which landowner's name appears;
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) If ~~you are~~ applying for a tenant permit, applicants you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease (~~not a hunting rights lease~~) or a rental agreement, file stamped as recorded by the County Recorder or County Clerk~~county clerk~~, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or
 - 2) A copy of The authorized form from the current Farm Service Agency 156EZ form.
- i) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.
- ii) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- kj) Shareholder/Member/Partner Landowner Permits
- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply

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for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (k)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

- 2) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.

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- 3) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company, or has purchased a distributional interest in an Illinois limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently became a member of the company pursuant to Article 30 of the Limited Liability Company Act;
 - B) intends to retain the membership for at least 5 years; and
 - C) is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5 years; and
 - C) is a resident of Illinois.

l) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].*

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

(Source: Amended at 37 Ill. Reg. 19283, effective November 14, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

~~Copperhead Hollow State Fish and Wildlife Area~~

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

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

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

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

~~Nauvoo State Park (Max Rowe Unit only)~~

~~Pere Marquette State Park (south of Graham Hollow Road)~~

Rend Lake Project Lands

~~Weinberg-King State Park – Cecil White Unit~~

Wise Ridge State Natural Area

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

~~Argyle Lake State Park~~

~~Big River State Forest~~

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Cache River State Natural Area (Johnson County portion only)

Cape Bend State Fish and Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres State Historic Site (muzzleloading shotguns only)

Giant City State Park

~~Hanover Bluff State Natural Area~~

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

Kinkaid Lake State Fish and Wildlife Area

~~Rall Woods State Natural Area~~

~~Ray Norbut State Fish and Wildlife Area~~

~~Sahara Woods State Fish and Wildlife Area~~

~~Saline County State Conservation Area~~

~~Siloam Springs State Park~~

~~Siloam Springs State Park—Buckhorn Unit (resident hunters only)~~

Skinner Farm State Habitat Area

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~~Spoon River State Forest~~

~~Tapley Woods State Natural Area~~

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area – Firing Line Management Unit Only

~~Weinberg King State Park~~

~~Weinberg King State Park – Scripps Unit~~

~~Weinberg King State Park – Spunky Bottoms Unit~~

~~Winston Tunnel State Natural Area~~

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

~~Apple River Canyon State Park – Salem and Thompson Units~~

Crawford County State ~~Fish and Wildlife Conservation~~ Area

Hamilton County State Conservation Area

~~Jim Edgar Panther Creek State Fish and Wildlife Area~~

Meeker State Habitat Area

Newton Lake State Fish and Wildlife Area

Sam Parr State ~~Fish and Wildlife Area~~Park

Sand Ridge State Forest

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Ten Mile Creek State Fish and Wildlife Area

~~Witkowsky State Wildlife Area~~

- d) Statewide regulations shall apply except hunters shall register and report their harvest through the use of windshield cards as specified in 17 Ill. Adm. Code 510.10.

Apple River Canyon State Park – Salem and Thompson UnitsArgyle Lake State ParkBig River State ForestCopperhead Hollow State Fish and Wildlife AreaHanover Bluff State Natural AreaJim Edgar Panther Creek State Fish and Wildlife Area (site specific permit required)Nauvoo State Park (Max Rowe Unit only)Pere Marquette State Park (east of Graham Hollow Road)Rall Woods State Natural AreaRay Norbut State Fish and Wildlife AreaSahara Woods State Fish and Wildlife AreaSaline County State Conservation AreaSiloam Springs State Park (sign in/sign out required)Spoon River State ForestTapley Woods State Natural Area

DEPARTMENT OF NATURAL RESOURCES

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Weinberg-King State ParkWeinberg-King State Park – Cecil White UnitWeinberg-King State Park – Scripps UnitWeinberg-King State Park – Spunky Bottoms UnitWinston Tunnel State Natural AreaWitkowsky State Wildlife Area

- ed) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

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

(Source: Amended at 37 Ill. Reg. 19283, effective November 14, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
720.10	Amend
720.25	Amend
720.30	Amend
720.40	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Rule: November 14, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 16, 2013; 37 Ill. Reg. 13284
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 720.25, after "(C)" add:

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

Illinois Department of Natural Resources
POH Fall Archery Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227

DEPARTMENT OF NATURAL RESOURCES

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Springfield, IL 62794-9227"

Section 720.25, strike "d)" and add "e)"; strike "e)" and add "f)"; change "f)" to "g)"; change "g)" to "h)"; change "h)" to "i)".

Section 720.25, after subsection (i)(4)(C), add: "j) For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26]."

Section 720.25, change "i)" to "k)".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is amended to make Statewide program changes, open and close State-owned or-managed sites and amend procedures at State sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

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

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18345, effective August 26, 2005; amended at 29 Ill. Reg. 18944, effective November 4, 2005; amended at 30 Ill. Reg. 12240, effective June 28, 2006; amended at 31 Ill. Reg. 11723, effective July 27, 2007; amended at 32 Ill. Reg. 14843, effective August 27, 2008; amended at 33 Ill. Reg. 13918, effective September 21, 2009; amended at 34 Ill. Reg. 10821, effective July 16, 2010; amended at 35 Ill. Reg. 15268, effective September 2, 2011; amended at 37 Ill. Reg. 19297, effective November 14, 2013.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) All regulations set forth in Section 2.9 of the Wildlife Code [520 ILCS 5/2.9] apply in this Part. Season: ~~Statewide season October 1 through the first Sunday after January 13, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).~~
- b) For Cook, DuPage and Lake Counties, and that portion of Kane County east of State Route 47 – ~~The season shall be~~ October 1 through the first Sunday after January 13.
- cb) For all other counties, or parts of counties – ~~The season shall be~~ October 1 through the first Sunday after January 13, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources owned or managed sites designated in Section 720.40 by an asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed). ~~Open Counties:~~

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
DeKalb

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

DeWitt
Edgar
Edwards
Effingham
Fayette
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kankakee
Kendall
Knox
LaSalle
Lawrence
Lee
Livingston
Logan
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
McDonough
McHenry

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NOTICE OF ADOPTED AMENDMENTS

McLean
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
Saline
Sangamon
Schuyler
Scott
Shelby
St. Clair
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

DEPARTMENT OF NATURAL RESOURCES

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(Source: Amended at 37 Ill. Reg. 19297, effective November 14, 2013)

Section 720.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" of a landowner or tenant is defined as, and limited to, the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$25. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for landowner/tenant permits must apply using the official application form. Applications for landowner/tenant wild turkey permits must be submitted to:

 - Illinois Department of Natural Resources
 - POH Fall Archery Wild Turkey Permit
 - One Natural Resources Way
 - P.O. Box 19227
 - Springfield IL 62794-9227
- e) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;

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- 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears as landowner)~~upon which landowner's name appears~~;
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- fe)** If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and the acreage involved, and a statement that the lease is for agricultural purposes(not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - 2) A copy of the current~~The authorized form from the~~ Farm Service Agency 156EZ form.
- g)** A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.
- hf)** If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- ig)** Shareholder/Member/Partner Landowner Permits

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- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (ig)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$25. Nonresident partners are not eligible to receive permits for partnership lands.
- 2) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

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- B) intends to retain the ownership of the shares of stock for at least 5 years.
- 3) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company, or has purchased a distributional interest in an Illinois limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently became a member of the company pursuant to Article 30 of the Limited Liability Company Act;
 - B) intends to retain the membership for at least 5 years; and
 - C) is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5 years; and
 - C) is a resident of Illinois.
- j) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].*
- k) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

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(Source: Amended at 37 Ill. Reg. 19297, effective November 14, 2013)

Section 720.30 Turkey Hunting Regulations

a) It is unlawful:

- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- 2) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- 3) to use any weapon except:

A) a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal;

B) Crossbows, so long as one or more of the following conditions are met:

- i) if the user is a person age 62 and older with a valid photo ID containing proof of age; or
- ii) if the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by 17 Ill. Adm. Code 760; or
- iii) if the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive);

C) Broadheads may have fixed or expandable cutting surfaces, but they must have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or

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obsidian-napped; broadheads with expandable cutting surfaces must be metal. All other bows and arrows, including electronic arrow tracking systems utilizing radio telemetry, are illegal. ~~Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760. Crossbows may be used as provided by 520 ILCS 5/2.33;~~

- 4) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
 - 5) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport or leave a wild turkey without first affixing the turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must invalidate the leg tag and the tag must be affixed to the turkey (for over-the-counter permits the leg tag is invalidated by detaching it from the permit; for property only hunting (POH) landowner permits, the leg tag is invalidated by cutting out the designated notch on the tag); and
 - 7) to possess, while in the field during archery turkey season, any turkey permit issued to another person.
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.

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c) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 37 Ill. Reg. 19297, effective November 14, 2013)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting. [Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by \(3\).](#)

[Alvah Borah State Habitat Area \(3\)](#)

* Anderson Lake Conservation Area (1)

Apple River Canyon State Park – Salem and Thompson Units (~~3~~)

Argyle Lake State Park (~~3~~)

Beaver Dam State Park ([site specific archery deer permit hunters only; disabled hunting is available in the designated blind location upon request; Class P2A, disabled hunters are required to be accompanied by a non-disabled hunter, who may also hunt from the same blind location](#)) (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (~~3~~)

Butterfield Trail State Recreation Area (~~3~~)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area (~~3~~)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

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Carlyle Lake State [Fish and Wildlife Management Area](#) (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) [\(3\)](#)

Castle Rock State Park [\(3+\)](#)

Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)

Chauncey Marsh State Natural Area (~~permit available at Red Hills State Park~~) [\(32\)](#)

Clinton Lake State Recreation Area [\(32\)](#)

Coffeen Lake State Fish and Wildlife Area [\(32\)](#)

Copperhead Hollow State Fish and Wildlife Area [\(32\)](#)

Crawford County State Conservation Area [\(3+\)](#)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (1)

Dog Island State Wildlife Management Area [\(3+\)](#)

Eagle Creek State Park [\(32\)](#)

Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (1)

Ferne Clyffe State Park (1)

[Flag Pond State Natural Area \(3\)](#)

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Fort de Chartres State Historic Site

- * Fort Kaskaskia State Historic Site (opens November 1) (1)

Fort Massac State Park (1)

Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed, no hunting from Harding Ditch right-of-way) (1)

| Franklin Creek State Park (hunting in designated area only) (~~34~~)

| [French Bluff State Natural Area \(3\)](#)

Giant City State Park (1)

| Green River State Wildlife Area (~~34~~)

| Hamilton County State Conservation Area (~~32~~)

| Hanover Bluff State Natural Area (~~34~~)

| Harry "Babe" Woodyard State Natural Area (~~32~~)

| [Hennepin Canal Parkway \(open only to hunters with valid site deer permit and a valid archery turkey permit\) \(2\)](#)

Horseshoe Lake State Conservation Area (Alexander County) (controlled goose hunting area closed 7 days prior to Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season) (1)
(2)

- * Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County) (2)

| Iroquois County State Wildlife Area (~~3~~)

| Jim Edgar Panther Creek State Fish and Wildlife Area (~~32~~)

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Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (~~34~~)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; this defined waterfowl rest area is closed until the Columbus Day holiday) (1 – except south of Highway 154 and north of Highway 13)

Kickapoo State ~~Recreation Area~~Park (~~32~~)

Kinkaid Lake State Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (~~34~~)

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (~~34~~)

Marseilles State Fish and Wildlife Area (~~fall archery turkey season closes the first Thursday after January 10; closed~~~~closed each~~ Friday, Saturday, and Sunday in October; 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 (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (~~34~~)

Mautino State Fish and Wildlife Area (~~32~~)

Meeker State Habitat Area (~~obtain permit at Sam Parr State Park~~) (~~32~~)

Mermet Lake State Fish and Wildlife Area (~~34~~)

Middle Fork State Fish and Wildlife Area (~~32~~)

Mississippi Palisades State Park (~~November 1 through December 31~~) (~~32~~)

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

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Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Moraine View State Park (closed Wednesday through Sunday during site's controlled pheasant season) (~~32~~)

| * Mt. Vernon Propagation Center (1)

| Nauvoo State Park (Max Rowe Unit only) (~~3~~)

| Newton Lake State Fish and Wildlife Area (~~must possess valid site archery permit~~) (~~32~~)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (east subunit closed November 1) (1)

| Pere Marquette State Park (~~32~~)

| Pyramid State Park (~~32~~)

| Pyramid State Park – East Conant Unit (~~32~~)

| Rall Woods State Natural Area (~~31~~)

| * Ramsey Lake State Park (~~32~~)

* Randolph County State Conservation Area

| Rauchfuss Hill State Recreation Area (~~31~~)

| Ray Norbut State Fish and Wildlife Area (~~31~~)

| * Red Hills State Park (~~31~~)

* Rend Lake Project Lands and Waters

| Sahara Woods State Fish and Wildlife Area (~~31~~)

DEPARTMENT OF NATURAL RESOURCES

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Saline County State Conservation Area (~~31~~)

* Sam Dale Lake ~~State Fish and Wildlife Conservation~~ Area (~~32~~)

* Sam Parr State ~~Fish and Wildlife Area~~ Park (~~31~~)

Sand Ridge State Forest (~~32~~)

Sandy Ford State Natural Area (1)

Sanganois State Fish and Wildlife Area (~~32~~)

* Sangchris Lake State Park (site will be closed to archery deer and turkey hunting during the second firearm deer season) (~~31~~)-(2)

* Shabbona Lake State Park (~~31~~)

Shelbyville Lake – Corps of Engineers Managed Lands

Shelbyville State ~~Fish and~~ Wildlife Management Area (~~32~~)

Sielbeck Forest State Natural Area (~~31~~)

Siloam Springs State Park (~~31~~)-(2)

* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (~~31~~)-(2)

Skinner Farm State Habitat Area (~~31~~)

* South Shore State Park (1)

Spoon River State Forest (~~31~~)

* Spring Lake State Fish and Wildlife Area (~~32~~)

Starved Rock State Park/Matthiessen State Park (no turkey hunting in the nature preserves; open only in areas where archery deer hunting is allowed other than nature

DEPARTMENT OF NATURAL RESOURCES

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preserves; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season) (1)

| * Stephen A. Forbes State Park (~~32~~)

| Tapley Woods State Natural Area (~~34~~)

| Ten Mile Creek State Fish and Wildlife Area (~~32~~)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season) (1)

* Washington County State Conservation Area (1)

Wayne Fitzgerald State Park (no hunting during controlled hunts as posted at the site) (1)

| Weinberg-King State Park (~~34~~)

| Weinberg-King State Park – Cecil White Unit (~~3~~)

| Weinberg-King State Park – Scripps Unit (resident hunters only) (~~34~~)

| Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (~~34~~)

| Wildcat Hollow State Forest (~~3~~)

| Winston Tunnel State Natural Area (~~34~~)

Wise Ridge State Natural Area

| Witkowsky State Wildlife Area (~~opens October 15~~) (~~34~~)

(Source: Amended at 37 Ill. Reg. 19297, effective November 14, 2013)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Attorney General's Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1300.1002	Amend
1300.2025	Amend
1300.2580	Amend
1300.5037	Amend
1300.5060	New
- 4) Statutory Authority: Implementing and authorized by Section 1-30(a) of the Illinois Procurement Code [30 ILCS 500/1-30(a)]
- 5) Effective Date of Rule: November 12, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted rule is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 12696; August 9, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: New Section 1300.5060 was added to clarify the protocols that the Office of the Attorney General and the Office's Chief Procurement Officer will be following in making a determination that a false certification or an inaccurate, incomplete, or misleading disclosure has been made under Article 50 of the Code and the Attorney General's Procurement rules.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

ATTORNEY GENERAL

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- 15) Summary and Purpose of Rule: The amendments to the Illinois Procurement Code [30 ILCS 500] made by PA 97-895 require this rulemaking. The adopted rulemakings extend the timeframe for the State Purchasing Officer to obtain certification by the Universal Public Purchasing Certification Council, modify the notice and hearing requirements for sole source procurements, require the identification of work to be provided by subcontractors as part of competitive sealed proposals, modify the provisions for verifying compliance by business entities required to register with the State Board of Elections and clarify the protocols for determining whether a false certification or an inaccurate, incomplete, or misleading disclosure has been made under Article 50 of the Code and the Attorney General's Procurement rules.
- 16) Information and questions regarding this adopted rule shall be directed to:
- | | |
|--|---|
| Melissa Mahoney | Rocco LaSalvia |
| Deputy Chief of Staff, Administration | Senior Operations Director |
| Office of the Attorney General | Office of the Attorney General |
| 100 West Randolph Street, 12 th Floor | 100 West Randolph, 11 th Floor |
| Chicago, Illinois 60601 | Chicago, Illinois 60601 |
| 312/814-3950 | 312/814-3667 |

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

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XX: ATTORNEY GENERAL

PART 1300
ATTORNEY GENERAL'S PROCUREMENT

SUBPART A: GENERAL

Section	Title
1300.01	Title
1300.05	Policy
1300.08	Illinois Procurement Code
1300.10	Application
1300.15	Definitions of Terms Used in This Part
1300.25	Property Rights
1300.30	Contracts Necessary to Prepare for Anticipated Litigation

SUBPART B: PROCUREMENT RULES

Section	Title
1300.525	Procurement by DCMS Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Title
1300.1002	Conduct and Oversight of Procurements
1300.1010	Construction

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Title
1300.1510	Publicizing Procurement Actions
1300.1560	Supplemental Notice
1300.1570	Error in Notice
1300.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION – GENERAL

ATTORNEY GENERAL

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Section

- 1300.2005 General Provisions
- 1300.2010 Competitive Sealed Bidding
- 1300.2012 Multi-Step Sealed Bidding
- 1300.2015 Competitive Sealed Proposals
- 1300.2020 Small Purchases
- 1300.2025 Sole Source Procurement
- 1300.2030 Emergency Procurements
- 1300.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1300.2036 Other Methods of Source Selection
- 1300.2037 Tie Bids and Proposals
- 1300.2038 Mistakes
- 1300.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 1300.2043 Suppliers
- 1300.2044 Vendor List/Required Use
- 1300.2045 Prequalification
- 1300.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 1300.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 1300.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 1300.2055 Types of Contracts

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1300.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30(a) of the Illinois Procurement Code [30 ILCS 500/1-30(a)].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12013, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15192, effective August 15, 1998; amended at 23 Ill. Reg. 8971, effective July 28, 1999; amended at 36 Ill. Reg. 11974, effective July 13, 2012; amended at 37 Ill. Reg. 19316, effective November 12, 2013.

SUBPART C: PROCUREMENT AUTHORITY

Section 1300.1002 Conduct and Oversight of Procurements

- a) Chief Procurement Officer. The Attorney General shall designate a Chief Procurement Officer (CPO) for purposes of the Code and this Part. The CPO may conduct any or all procurements on behalf of the OAG. The CPO shall have at least 5 years of experience in State budgeting or procurement activities, or shall be a certified professional public buyer or certified public purchasing officer. The CPO shall be a resident of the State of Illinois and shall owe a fiduciary duty to the State. The CPO is responsible for signing all written award determination letters stating the reasoning for any contract award decision. The CPO shall perform other duties as required by law.
- b) State Purchasing Officer. The Attorney General may appoint one or more State Purchasing Officers (SPO) to conduct procurement in accordance with the terms of the appointment and this Part. The employee performing the duties of the SPO must be certified as a professional public buyer or a public purchasing officer by the Universal Public Purchasing Certification Council within ~~30~~3018 months after appointment. In the absence of an SPO, the CPO may designate a temporary acting SPO. The SPO shall exercise procurement authority at the direction of the CPO, and the decisions of an SPO are subject to review by the CPO. The SPO may enter into contracts for the OAG. The SPO shall perform other duties as required by law and may only be removed by the Attorney General for cause.
- c) Procurement Policy and Compliance Monitoring Board. The Attorney General shall appoint an OAG Procurement Policy and Compliance Monitoring Board (OAG PPCMB). The OAG PPCMB shall consist of 5 members. In making appointments to the OAG PPCMB, the Attorney General shall consider an individual's knowledge and experience in State government procurements and

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operations, including but not limited to certification as a professional public buyer or public purchasing officer by the Universal Public Purchasing Council. The members shall receive no additional compensation for serving on the OAG PPCMB. Except as provided in subsection (d), the OAG PPCMB shall:

- 1) be authorized to review, oversee, comment upon and recommend rules and practices governing the procurement, management, control and disposal of supplies, services, professional or artistic services, construction and capital improvements procured by the OAG;
 - 2) attend any procurement meetings and access relevant files and reports;
 - 3) be notified by the CPO if a conflict of interest is identified, discovered or reasonably suspected to exist. In such an event, the OAG PPCMB is to recommend action and give its recommendations to the CPO and Attorney General;
 - 4) report to the Inspector General and Attorney General whenever the OAG PPCMB has cause to believe there has been a violation of the Code or this Part;
 - 5) communicate directly with the Attorney General on all matters related to procurement;
 - 6) report to the CPO regarding outstanding procurement problems;
 - 7) ensure transparency and compliance with procurement laws;
 - 8) report findings of waste to OAG divisions. If a division does not correct circumstances causing the waste, the OAG PPCMB shall report to the CPO and the Inspector General; and
 - 9) perform other duties as required by law.
- d) Chief Internal Auditor. The Attorney General shall appoint a Chief Internal Auditor. The auditor must have a Bachelor's degree, and must be a certified internal auditor, certified public accountant with at least 4 years of auditing experience, or an auditor with 5 years of experience. Any Chief Internal Auditor appointed on or after July 1, 2010 shall be appointed for a period of 5 years and may only be removed for cause. The Chief Internal Auditor shall report directly

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to the Attorney General. Subject to the approval of the Attorney General, and consistent with the Fiscal Control and Internal Auditing Act [20 ILCS 10], the Chief Internal Auditor shall:

- 1) direct the internal audit functions and activities of the OAG;
- 2) prepare audit reports and assess program goals;
- 3) be responsible for the preparation of an annual audit plan for submission to, and subject to the approval of, the Attorney General; and
- 4) perform other duties as required by law.

(Source: Amended at 37 Ill. Reg. 19316, effective November 12, 2013)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION – GENERAL

Section 1300.2025 Sole Source Procurement

- a) **Application**
The provisions of this Section apply to procurement from a sole source unless the estimated amount of the procurement is within the limit set in Section 1300.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1300.2030 (Emergency Procurements).
- b) **Conditions for Use of Sole Source Procurement**
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
 - 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
 - 2) a sole supplier's items are needed for trial use or testing;
 - 3) a sole supplier's item is to be procured for commercial resale;

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- 4) public utility regulated services are to be procured;
 - 5) the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent;
 - 6) the procurement of the media for advertising;
 - 7) the procurement of art or entertainment services; and
 - 8) changes to existing contracts (subsection (c)).
- c) Changes
- 1) Changes to existing contracts germane to the original contract, which are necessary or desirable to complete the project, and which can be best accomplished by the contract holder, may be procured under this provision if the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.
 - 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1300.2020, or that is an emergency as defined in Section 1300.2030, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.
- d) Publication Procurement Officer to Determine
Before entering into a sole source contract, the CPO shall publish a written description of intent to enter into a sole source contract along with the sole source procurement justification, a description of the goods or services to be procured, the intended sole source contractor, and notice that any public hearing requested under this Section will be held on the 15th day after publication of the notice (stating the date, time and place of the potential public hearing) or on the next business day, if the 15th day after publication is a weekend or a State holiday. The notice shall be posted in the Bulletin at least 14 days before a sole source contract is awarded.

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- 1) ~~The determination as to whether a procurement shall be made as a sole source shall be made by the CPO after notice and a public hearing pursuant to Section 1300.5555. The determination and the basis for the determination shall be in writing. The Procurement Officer may specify the application of the determination and the duration of its effectiveness.~~
 - 2) ~~Any purchase request submitted to the CPO suggesting that a procurement be restricted to one potential vendor shall be accompanied by a written explanation as to why no other vendor will be suitable or acceptable to meet the need.~~
- e) Hearing
An interested party may submit a written request for a public hearing. Any hearing shall be conducted in accordance with the procedures set forth in Section 1300.5555.
- f) **Negotiation in Sole Source Procurement**
The Procurement Officer shall conduct negotiations, as appropriate, as to price, delivery, and terms, and shall maintain a record of sole source procurements showing:
- 1) the vendor's name;
 - 2) the amount and type of the contract;
 - 3) a listing of the supplies, services, or construction procured under each contract; and
 - 4) the identification number of the contract file.
- g) **Prohibition Against Amending Contracts for Professional or Artistic Services Based on Sole Source**
The provisions of this Part shall not apply to an amendment to a contract for professional or artistic services if:
- 1) there is an increase in the amount paid under the contract of more than 5% of the initial award; or
 - 2) the term of the contract would be extended by a period not to exceed the time reasonably needed for a competitive procurement or 2 months,

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whichever is less.

(Source: Amended at 37 Ill. Reg. 19316, effective November 12, 2013)

SUBPART K: CONTRACT MATTERS

Section 1300.2580 Subcontractors

All competitive sealed proposals, including proposals for professional and artistic services, shall include a provision to require each offeror to identify, either in its proposal or prior to award, the identity of the subcontractors that will be used in the performance of the contract and the general type of work to be performed by these subcontractors, as well as the amounts expected to be paid to each subcontractor.

(Source: Amended at 37 Ill. Reg. 19316, effective November 12, 2013)

SUBPART P: ETHICS

Section 1300.5037 Vendor Registration, Certification and Prohibition on Political Contributions

- a) Introduction
Illinois law [10 ILCS 5/9-35 and 30 ILCS 500/20-160 and 50-37] (the statutes) restricts political contributions by vendors and affiliated entities; requires registration with the State Board of Elections (SBEL); requires a copy of the registration certificate stamped by SBEL (Registration Certificate) to be submitted with bids/proposals and contracts; and requires solicitation and contract certifications relative to the requirements of the law. This Section supplements requirements found in the statutes and does not excuse compliance with any of those requirements.
- b) General Registration Requirements
 - 1) These requirements apply to contracts, bids and proposals that are subject to the Code and this Part;
 - A) Bids/proposals referenced in this Section are those submitted in response to a competitive solicitation that is posted to the Bulletin on or after January 1, 2009, regardless of the value assigned to the procurement.

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- B) Bids and proposals include pending bids and proposals.
 - C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of \$50,000, whose aggregate value of bids/proposals for State contracts exceeds \$50,000, or whose aggregate value of State contracts and bids/proposals exceeds \$50,000.
 - D) This value is calculated on a calendar-year basis.
- 2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.
- 3) An "executive employee" means:
- A) the President, Chairman of the Board, or Chief Executive Officer of a business entity and any other individual that fulfills equivalent duties as the President, Chairman of the Board, or Chief Executive Officer of a business entity.
 - B) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.
- c) Bids and Proposals
- 1) The CPO, or his or her designee, shall determine whether a business entity is required to register with SBEL and, if so, whether the business entity is in compliance with the registration requirements on the date the bid or proposal is due.~~A copy of the Registration Certificate must be submitted with bids/proposals.~~

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2) ~~If the CPO determines that a business entity is required to register with SBEL and the business entity is not in compliance with the registration requirements, then the CPO shall not accept the business entity's bid or proposal. If the Registration Certificate is not timely submitted, the OAG will reject the bid/proposal unless the absence of the Certificate is the result of delay or error by the OAG. In all circumstances, the Certificate will be required before making an award.~~

d) Contracts

A copy of the Registration Certificate must be in the procurement file as set forth in this subsection (d), unless the vendor certifies it is not required to register.

- 1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals exceeds \$50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.
- 2) For indefinite quantity/estimated value contracts, a vendor who is otherwise not required to register shall register with SBEL when the value of orders placed pursuant to an indefinite/estimated value contract plus all other contracts and bids/proposals exceeds \$50,000.
- 3) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals, exceeds \$50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.
- 4) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.
- 5) Contract certification required by the statutes shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written, two-party contracts that need not be filed with the Comptroller. The OAG may require written confirmation of the rule-imposed certification at any time.

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(Source: Amended at 37 Ill. Reg. 19316, effective November 12, 2013)

Section 1300.5060 Voidable Contracts

If the CPO identifies, discovers, or reasonably suspects that a false certification or inaccurate, incomplete, or misleading disclosure has been made by a contractor or a subcontractor for any of the certifications or disclosures required under Article 50 of the Code, the CPO shall notify the OAG PPCMB and provide it with a copy of the contract or other procurement document in question. If the OAG PPCMB finds evidence of a false certification or inaccurate, incomplete, or misleading disclosure, the OAG PPCMB shall provide written notice to the contractor or subcontractor that is identified, discovered, or reasonably suspected of making the false certification or inaccurate, incomplete, or misleading disclosure. The contractor or subcontractor shall have 15 days to respond in writing to the OAG PPCMB. Upon consideration, the OAG PPCMB shall recommend, in writing, whether to allow or void the contract, bid, offer, or subcontract weighing the best interest of the State of Illinois. All recommendations shall be submitted to the Attorney General, or his or her designee, for final review and to the Inspector General and the CPO.

(Source: Added at 37 Ill. Reg. 19316, effective November 12, 2013)

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- 1) Heading of the Part: Hearing Instrument Consumer Protection Code
- 2) Code Citation: 77 Ill. Adm. Code 682
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
682.100	Amend
682.420	Amend
- 4) Statutory Authority: Hearing Instrument Consumer Protect Act [225 ILCS 50]
- 5) Effective Date of Rule: November 13, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rulemaking published in the *Illinois Register*: June 7, 2013; 37 Ill. Reg. 7713
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking clarifies that the Illinois Department of Public Health will accept for licensing in Illinois persons who hold a valid current hearing instrument dispensing license from another state that has an examination that is substantially similar to the examination required by the Act.

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The rulemakings clarify that the written and practical examination offered candidates seeking licensure as a hearing instrument dispenser may be an examination approved, developed or sanctioned by the Department. The minimum passing grade for each section of the written and practical examinations is set at 70 percent.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARINGPART 682
HEARING INSTRUMENT CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information Required for Hearing Instrument Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.250	Expiration of Licenses and License Renewals
682.260	Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

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Section

- 682.300 Established Test Procedures
- 682.310 Period of Time Tests Are Valid
- 682.320 Tests Performed by Others
- 682.330 Hearing Instrument Selection: Persons Eligible to Recommend
- 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
- 682.350 Audiometric Tests for Replacement Hearing Instrument
- 682.360 Equipment Needed

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section

- 682.400 Administration of the Examination
- 682.410 Identification Needed to Take the Examination
- 682.420 Examination: Written and Practical
- 682.430 Notification of Examination Results
- 682.440 Temporary License Expiration (Repealed)
- 682.450 Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section

- 682.500 Dishonest, Unethical, and Unprofessional Conduct
- 682.510 Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section

- 682.600 Administrative Hearings
- 682.610 Disciplinary Action
- 682.620 Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section

- 682.700 Continuing Education

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682.APPENDIX A	Application Form (Repealed)
682.APPENDIX B	Supervision and Training Agreement Form (Repealed)
682.APPENDIX C	License Authorization Form (Repealed)
682.APPENDIX D	Certificate of Insurance (Repealed)
682.APPENDIX E	Surety Penal Bond (Repealed)
682.APPENDIX F	Inactive Status Request (Repealed)
682.APPENDIX G	Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
682.APPENDIX H	License Renewal Form (Repealed)
682.APPENDIX I	Audiometer Calibration Form (Repealed)
682.APPENDIX J	License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990; amended at 17 Ill. Reg. 8825, effective June 10, 1993; amended at 21 Ill. Reg. 4799, effective April 1, 1997; amended at 26 Ill. Reg. 11995, effective July 22, 2002; amended at 35 Ill. Reg. 10312, effective June 17, 2011; amended at 37 Ill. Reg. 19331, effective November 13, 2013.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means the Hearing Instrument Consumer Protection Act [225 ILCS 50].

"Advertisement" means any printed or spoken information that is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing instruments or by persons engaged in these activities.

"Audiometric Test" means any test, using calibrated audiometric equipment, to determine the status of the hearing system.

"Authorized Designee" means any organization that is approved by the Department to offer and conduct a written or practical examination in accordance

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[with Department guidelines.](#)

"Board" means the Hearing Instrument Consumer Protection Board. (Section 3 of the Act)

"Cost" means any expense resulting from activities mandated by the Hearing Instrument Consumer Protection Act or this Part.

"Decibel" or "dB" means a numerical expression of the relative intensity of a sound.

"Department" means the Department of Public Health. (Section 3(a) of the Act)

"Direct Supervision" means that the licensed hearing instrument dispenser/audiologist designated as supervisor of a licensed trainee shall give final approval to all work performed by the trainee, shall sign off on all progress notes and contracts, and shall be physically present 100 percent of the time while the trainee has contact with the client. (Section 9.5 of the Act)

"Director" means the Director of the Department of Public Health. (Section 3(b) of the Act)

"Disposable Hearing Instrument" or "Disposable Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing that uses a self-contained, non-renewable, non-replaceable battery of limited life span.

"Entity" means a person or group of persons engaged in dispensing activities.

"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund. (Section 3 of the Act)

"Hearing Care Professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician. (Section 3 of the Act)

"Hearing Instrument" or "Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmold. Batteries, cords, and

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individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded. (Section 3(i) of the Act)

"Hearing Instrument Dispenser" or "Dispenser" means a person who is a hearing care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, or servicing of hearing instruments or the testing for means of hearing instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, or selling of hearing instruments. (Section 3 of the Act)

~~"IHS" means the International Hearing Society.~~

~~"IHHS" means the International Institute of Hearing Instrument Studies, a part of IHS.~~

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"License" means a license issued by the State under the Act to a hearing instrument dispenser. (Section 3 of the Act)

"Licensed Audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] (Section 3 of the Act)

"Licensed Hearing Instrument Dispenser" or "Licensee" means a hearing instrument dispenser who has met the educational requirements, has passed the Department's required Hearing Instrument Dispenser Examinations, and has paid the appropriate fees for the license.

"Licensed Physician" or "Physician" means a physician licensed in Illinois to practice medicine in all of its branches, pursuant to the Medical Practice Act of 1987 [225 ILCS 60]. (Section 3 of the Act)

"Masking" means the process by which a second sound stimulus is introduced to the non-test ear to isolate the response of the test ear from that of the non-test ear.

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"Medical Evaluation" means *a written statement, signed by a licensed physician, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user.* (Section 4 of the Act)

"Most Comfortable Loudness" or "MCL" means a level at which sound is most comfortable for the client, that is, loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"National Board Certified Hearing Instrument Specialist" means *a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.* (Section 3 of the Act)

"Observer" means a licensed hearing instrument dispenser/audiologist who directly observes students or licensed trainees engaged in dispensing activities described in Section 682.215(d).

"Place of Business" means a location where hearing instruments are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing instrument purchaser can have personal contact and counsel with the licensed hearing instrument dispenser/audiologist and obtain service during the firm's business hours; where the licensed hearing instrument dispenser/audiologist maintains a depository of all client records; where the licensee normally conducts business; and that is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"Practice of Fitting, Dispensing or Servicing of Hearing Instruments" means *the measurement of human hearing with an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of making selections, recommendations, adaptations, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument.* (Section 3 of the Act)

"Reciprocity" means the licensing of a dispenser who holds a current license in another State that determines competency through the International Institute for

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Hearing Instrument Studies (IIHIS) International Licensing Examination (ILE) or who holds a valid current license from another state that has an examination substantially similar to the examination required under the Act, as determined by the Department.

"Reciprocity Fee" means a fee equivalent to the fee for one entire administration of the licensing competency examination (see Section 682.200(a)(3)).

"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3 of the Act)

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing two syllables that are pronounced with equal emphasis.

"Student" means any non-licensed individual, involved in supervised hearing instrument dispensing activities, who is enrolled full-time in a graduate *program of audiology in an accredited college or university.* (Section 11 of the Act)

"Supervisor" means the licensed hearing instrument dispenser or audiologist, with at least two years of practice dispensing hearing aids, who is responsible for the hearing instrument dispensing activities of a student or trainee. The licensed hearing instrument dispenser/audiologist is responsible for all of the work that is performed by the trainee or student.

"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser in accordance with this Part and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in this State. (Section 3 of the Act)

"Uncomfortable Loudness Level" or "UCL" means the level at which the client indicates that sound is uncomfortably loud.

(Source: Amended at 37 Ill. Reg. 19331, effective November 13, 2013)

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SUBPART D: HEARING AID DISPENSER EXAMINATION

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests administered by the Department or its authorized designee. The examinations given, both written and practical, shall be the Uniform Written and Practical Examinations for Hearing Instrument Dispensers from the International Institute for Hearing Instrument Studies, International Hearing Society (IIHS, IHS), or an examination approved, developed or sanctioned by the Department that meets the criteria in subsections (a) and (b). These tests shall be administered at least four times during a calendar year~~once every two months~~.

- a) The written examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade, for the written examination, shall be 70 percent on each section of the written examination~~that recommended by IIHS~~.
 - 1) An applicant who fails the written examination may retake the examination. The examination fee shall be paid for each administration of the examination.
 - 2) An individual candidate may take the written examination no more than twice in any consecutive 12-month period.
 - 3) The fee for the written examination shall be \$200 per candidate per administration of the examination.
- b) The practical examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade for the practical examination shall be 70 percent on each section of the practical examination~~that recommended by IIHS~~.
 - 1) There is no limit on the number of times that the practicum may be taken. The examination fee shall be paid for each administration of the examination.
 - 2) The fee for the full practical examination shall be \$300. The fee for retaking each failed area of the examination shall be \$75 per area. The fee shall be paid for each administration of the examination.

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| [c\)3](#) The written and practical examinations will be scored independently of each other.

(Source: Amended at 37 Ill. Reg. 19331, effective November 13, 2013)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.1	Amend
1030.5	Renumber; Amend
1030.6	New
1030.7	New
1030.11	Renumber
1030.14	Amend
1030.65	Amend
1030.86	Amend
1030.89	Amend
1030.90	Amend
1030.115	Amend
1030.APPENDIX A	Amend
1030.APPENDIX B	Amend
1030.APPENDIX C	New
- 4) Statutory Authority: 625 ILCS 5/6-105.1
- 5) Effective Date of Rule: November 28, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 16, 2013, 37 Ill. Reg. 13339
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
 - (a) All forms and procedures related to the rule have been amended to change the term "documented immigrant" to "visa status immigrant" and to change the term "undocumented immigrant" to "non-visa status immigrant."

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- (b) The Section of the rule requiring appointments for all non-visa status immigrants who desire to apply for Illinois driving privileges has been amended to permit the Secretary to eliminate the appointment requirement at some point in the future, based upon the operational needs of the office.
 - (c) The rulemaking has been amended to recognize a religious exemption to the photograph requirement for TVDLs.
 - (d) The rule has been amended to permit applicants to verify under penalty of perjury on their application forms that they are not eligible to obtain a social security number and deletes the requirement that applicants submit documentation from the Social Security Administration verifying ineligibility for a social security number.
 - (e) The rule has been amended to delete the requirement that applicants provide contact information for building owners or landlords on the Residence Verification Form.
 - (f) All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rule implements driver's licensing procedures for applicants who have resided in this State for more than a year, are ineligible to obtain a social security number, and who are unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country, pursuant to PA 97-1157.
- 16) Information and questions regarding this adopted rule shall be directed to:
Brenda Glahn
Office of the Secretary of State
Assistant General Counsel
298 Howlett Building
Springfield, IL 62756

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217/785-3094

TVDLrules@ilsos.net

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section

1030.1	Definitions
1030.511	Procedure for Obtaining a Driver's License/ Temporary Visitor's Driver's License
<u>1030.6</u>	<u>Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)</u>
<u>1030.7</u>	<u>Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)</u>
<u>1030.10</u>	<u>What Persons Shall Not be Licensed or Granted Permits</u>
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License <u>(Renumbered)</u>
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement

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1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Person with a Disability Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Seasonal Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Endorsement or Instruction Permit
1030.100	Anatomical Gift Donor (Repealed)
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.140	Use of Captured Images
1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
<u>1030.APPENDIX C</u>	<u>Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)</u>

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective

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October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum

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of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" – a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of

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mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

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"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

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"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309. [625 ILCS 5/6-500(5.3)]

"CDLIS Motor Vehicle Record" or "CDLIS MVR" – a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4) (2011), subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(5.5)]

"Commercial Driver's License Downgrade" – a state:

allows the driver to change his or her self certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391 (2011), as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (2011);

allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.

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"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

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"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5 ([October 1, 2012](#)~~2014~~)). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Consular Identification Document" – an official identification card issued by a foreign government that meets the criteria set forth in Section 5 of the Consular Identification Document Act [5 ILCS 230/5] and the issuing consulate has filed with the Department of State Police a copy of the consular identification document and a certification of the procedures that are used to satisfy Sections 2 and 3 of the Consular Identification Document Act.

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"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Certificate" – a certificate prescribed by the Secretary of State indicating a successfully-completed road test, subject to spot check by the Secretary of State, was administered to a driver education student, who has successfully completed driver training by an Illinois State Board of Education approved driver education instructor.

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months

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prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

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"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391 ([October 1, 2012](#)~~2011~~). [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

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"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

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"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 ([October 1, 2012](#)~~2011~~) from all or part of the qualification requirements of 49 CFR 391 ([October 1, 2012](#)~~2011~~) and is not required to obtain a medical examiner's certificate by 49 CFR 391.45 ([October 1, 2012](#)~~2011~~). [625 ILCS 5/6-500(15.3)]

"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

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"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is

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ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5 ([October 1, 20122011](#)). [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit

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and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 ([October 1, 2012](#)~~2011~~) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 ([October 1, 2012](#)~~2011~~).

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

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"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafero, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the

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provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]

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"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive. [625 ILCS 5/6-500(21.2)]

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 ([October 1, 2012](#)~~2011~~).

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 ([October 1, 2012](#)~~2011~~).

"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:

an exemption letter permitting operation of a CMV pursuant to 49 CFR 381 ([October 1, 2012](#)~~2011~~), subpart C or 49 CFR 391.64 ([October 1, 2012](#)~~2011~~); or

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a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49 (~~October 1, 2012~~ [October 1, 2014](#)). [625 ILCS 5/6-500 (21.5)]

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

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"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(22.2)]

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

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"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391 ([October 1, 2012](#)~~2011~~), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 ([October 1, 2012](#)~~2011~~). [625 ILCS 5/6-500(22.7)]

"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

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"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability

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[625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

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"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S" Endorsement – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

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"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a [Visa Status](#) Temporary Visitor's Driver's License [pursuant to IVC Section 6-105.1\(a\)](#).

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

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A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

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"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (2011), which allows the driver to operate a CMV.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to

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verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171 (2011). [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to:

a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State [\(referred to in this Part as "Visa status"\)](#); or

[an applicant who:](#)

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resided in this State for a period in excess of one year;

is ineligible to obtain a social security number; and

is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country [625 ILCS 5/6-105.1(a-5)] referred to in this Part as "non-Visa status".

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

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"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

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"Vendor" – an authorized fingerprint company approved by the [Illinois State Police \(ISP\)](#) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Verification of Residency Form" – a form printed by the Secretary of State that non-Visa status temporary visitor's driver's license applicants shall complete and that contains all Illinois addresses at which the applicant has resided for the 12 months immediately prior to application.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.511 Procedure for Obtaining a Driver's License/~~Temporary Visitor's Driver's License~~

- a) A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the State. An application form provided by the Secretary of State pursuant to IVC Section 6-106 shall be completed by the applicant. The questions contained on the application form are

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provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification provided in Appendix B establishing the applicant's name, date of birth, signature for comparison, Illinois residency and social security number.

- b) ~~Any foreign national who wishes to obtain a temporary visitor's driver's license (TVDL) shall go to one of the designated Secretary of State Driver Services Facilities located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106 shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.~~
- e) ~~A TVDL shall only be issued to an individual who is authorized to reside in this country for one or more years and has at least six months of authorized presence remaining. Except, individuals currently holding a TVDL who have been granted a temporary extension to remain in this country pending a decision on a request for a status change, upon presentation of documents issued by USCIS, may be issued a TVDL for the period of the temporary extension.~~
- bd) The applicant shall take the following tests as required in IVC Section 6-109:
- 1) A vision test as provided in Sections 1030.70 and 1030.75;
 - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
 - 3) A written test, if required, as provided in Section 1030.80.
- ce) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b):

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- 1) Held a valid instruction permit for a minimum of 9 months; ~~however, applicants who were issued an instruction permit prior to January 1, 2008 must hold the instruction permit a minimum of three months;~~
 - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
 - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. ~~The Secretary of State will exempt 25 hours of behind the wheel practice, which will include the 10 hours of night practice time, in cases in which the instruction permit was issued prior to June 22, 2006.~~ The person completing the certification shall, upon signing the certification, swear under penalty of perjury, that everything contained within the certification is true and correct.
- df) A driver's license ~~or TVDL~~ applicant shall have his/her photograph taken unless exempted by Section 1030.90. A driver's license shall be issued upon completion of all the requirements of this Section and IVC Chapter 6.
- g) ~~A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.~~
- h) ~~Each original TVDL shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the TVDLs of individuals 81 years of age or older shall expire in accordance with IVC Section 6-115(g) or at the time the individual's authorization to remain in this country expires, whichever is earlier.~~
- i) ~~Each renewal TVDL shall expire no more than three years from the expiration date of the current license or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the licenses of individuals 81 years of age or older shall expire in accordance with IVC Section 6-115 or at the~~

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~~time the individual's authorization to remain in this country expires, whichever is earlier.~~

- e) ~~The fees collected for the issuance of an original, renewal, duplicate or corrected driver's license~~TVDL shall be in accordance with IVC Section 6-118.
- k) ~~Any person who wishes to renew a TVDL shall go to one of the designated Secretary of State Driver Services Facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with IVC Section 6-109.~~
- l) ~~The Secretary of State shall not send a renewal notice to the holder of a TVDL.~~
- m) ~~The design and contents of a TVDL shall be in accordance with IVC Section 6-110 and Section 1030.90, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a TVDL and will contain the phrase "not valid for identification".~~
- n) ~~Each TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1). A TVDL issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is earlier.~~
- o) ~~A foreign national who is issued a TVDL shall not be required to surrender his/her foreign country driver's license.~~
- p) ~~A Central Unit will be established within the Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services Facility employees responsible for the issuance of a TVDL and to~~

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~~individuals applying for a TVDL; resolve cases in which the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services Facility level; perform liaison services to USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.~~

- ~~1) When an applicant appears at one of the designated Driver Services Facilities and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.~~
- ~~2) A response to a second request for verification of USCIS documents via the SAVE Program generally takes three to five days. Upon receipt of a response from the second verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing the applicant of eligibility or ineligibility for a TVDL.~~
- ~~3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to USCIS in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing the individual of eligibility or ineligibility for a TVDL.~~

(Source: Section 1030.5 renumbered from 1030.11 and amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.6 Procedure for Obtaining a [Visa Status](#) Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)

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- a) Any foreign national who wishes to obtain a temporary visitor's driver's license (TVDL), pursuant to IVC Section 6-105.1(a), shall go to one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification described in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- b) A TVDL shall only be issued to an individual who is authorized to reside in this country for one or more years and has at least six months of authorized presence remaining at the time of application. Individuals currently holding a TVDL who have been granted a temporary extension to remain in this country pending a decision on a request for a status change, upon presentation of documents issued by USCIS, may be issued a TVDL for the period of the temporary extension.
- c) The applicant shall take the following tests as required in IVC Section 6-109:
- 1) A vision test as provided in Sections 1030.70 and 1030.75;
 - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
 - 3) A written test, if required, as provided in Section 1030.80.
- d) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:
- 1) Held a valid instruction permit for a minimum of 9 months;
 - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;

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- 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.
- e) A TVDL applicant shall have his/her photograph taken, unless exempted by Section 1030.90.
- f) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- g) A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.
- h) Each original TVDL shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the TVDL of an individual 81 years of age or older shall expire in accordance with IVC Section 6-115(g) or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- i) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the TVDL of an individual 81 years of age or older shall expire in accordance with IVC Section 6-115(g) or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- j) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.

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- k) Any person who wishes to renew a TVDL shall go to one of the designated Secretary of State Driver Services Facilities located throughout the State no more than 90 days prior to the expiration date of the current TVDL. An applicant for renewal shall comply with the provisions of subsection (a) of this Section. The applicant shall also be retested in accordance with IVC Section 6-109.
- l) The Secretary of State shall not send a renewal notice to the holder of a TVDL.
- m) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- n) Each TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1). A TVDL issued to an individual under the age of 21 years shall expire 3 years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- o) A foreign national who is issued a TVDL shall not be required to surrender his/her foreign country driver's license.
- p) A Central Unit will be established within the Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services Facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases in which the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services Facility level; perform liaison services to USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.
- 1) When an applicant appears at one of the designated Driver Services Facilities and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or

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she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.

- 2) A response to a second request for verification of USCIS documents via the SAVE Program generally takes 3 to 5 days. Upon receipt of a response from the second verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing the applicant of eligibility or ineligibility for a TVDL.
- 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photocopies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to USCIS in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing the individual of eligibility or ineligibility for a TVDL.

(Source: Added at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.7 Procedure for Obtaining a [Non-Visa Status](#) Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)

- a) An applicant who wishes to obtain an original TVDL, renew a TVDL, or obtain a corrected TVDL, pursuant to IVC Section 6-105.1(a-5), must make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. [At a later date, the Secretary of State, based on the operational needs of the office, may eliminate the requirement for appointments.](#) An applicant who wishes to obtain a duplicate TVDL shall visit any TVDL facility located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A.
- b) An applicant for an original, renewal, duplicate or corrected TVDL shall provide acceptable forms of identification as [defined](#) in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address, and residency in Illinois for a period in excess of one year. The applicant shall [affirm under penalty of perjury that he/she is ineligible to obtain a social](#)

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security number and shall submit either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act [5 ILCS 230/5], issued by the consulate of the applicant's country of citizenship and, if a new applicant, must submit a completed verification of residency form.

- c) The applicant shall take the following tests as required in IVC Section 6-109:
- 1) A vision test as provided in Sections 1030.70 and 1030.75;
 - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
 - 3) A written test, if required, as provided in Section 1030.80.
- d) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:
- 1) Held a valid instruction permit for a minimum of 9 months;
 - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
 - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.

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- e) A TVDL applicant shall have his/her photograph taken, unless exempted by Section 1030.90.
- f) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- g) A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.
- h) Each original TVDL shall expire 3 years from the date of issuance, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- i) An applicant for a renewal TVDL shall be retested in accordance with IVC Section 6-109.
- j) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- k) The Secretary of State shall not send a renewal notice to the holder of a TVDL.
- l) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- m) The design and content of a TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1).
- n) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.
- o) An applicant for a TVDL that is male and is between the ages of 18 and 25 is not exempt from the requirement to register with the United States Selective Service System, in accordance with IVC Section 6-106.

(Source: Added at 37 Ill. Reg. 19342, effective November 28, 2013)

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Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)

(Source: Section 1030.11 renumbered to Section 1030.5 at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.14 Emergency Contact Database

- a) The Illinois Secretary of State shall establish an emergency contact database. Eligible participants are any ~~persons~~person for whom an instruction permit, temporary visitor's instruction permit, driver's license, temporary visitor's driver's license or identification card record exists and can be authenticated on the Secretary of State driver's license and identification card database.
- b) For the purposes of this Section, "emergency" is defined as a motor vehicle accident, accident involving another mode of transportation, a natural disaster, a criminal act, or similar unforeseen emergency circumstance in which a victim sustains injuries that render him or her unable to independently communicate with emergency contacts, contact information is not otherwise available, and immediate communication with a next of kin or other designated emergency contact is necessary in order to support the provision of needed emergency medical assistance or needed notification by law enforcement.
- c) Participation in the emergency contact database shall be made available through the Secretary of State's official web site. The applicant/participant shall be responsible for initiation of participation in the database, and for modification of and deletion of an existing emergency contact record and disability and special needs information. Emergency contact records may otherwise be modified only to update applicant/participant name information if it is changed by the applicant/participant on the Secretary of State's driver's license and identification card database. Emergency contact records shall otherwise not be modified and shall otherwise only be deleted when the driver's license or identification record no longer exists on the Secretary of State's driver's license and identification card database.
- d) No more than two contact persons may be selected by each applicant/participant. The applicant shall be responsible for the accuracy and completeness of all information submitted.

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- e) The applicant/participant in the emergency contact database shall provide sufficient information to allow for authentication of the instruction permit, temporary visitor's instruction permit, driver's license, temporary visitor's driver's license or identification card record, and shall provide sufficient information regarding each contact's name, address, telephone number if the contact has a telephone, and relationship to the applicant/participant to allow for the identification of and location of his/her chosen contacts by law enforcement accessing the database.
- f) All requests to add, modify or delete a record in the emergency contact database, including disability or special needs information, shall be confidential. Information contained in the emergency contact database shall only be released to law enforcement in the course of official duties or pursuant to a court order. Law enforcement may share information contained in the emergency contact database, including disability and special needs information, with other public safety workers on scene, as needed to conduct official law enforcement duties.
- g) A participant in the emergency contact database may indicate that the participant has a disability or special needs. A participant in the emergency contact database is not required to indicate a disability or special need.

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.65 Instruction Permits

- a) A person who wishes to practice driving before obtaining a driver's license shall obtain an instruction permit from a Driver Services Facility. ~~Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and is occupying a seat beside the driver.~~
- b) Any foreign national who wishes~~wishing~~ to practice driving before obtaining a Visa status, temporary visitor's driver's license pursuant to IVC Section 6-105.1(a) shall obtain a temporary visitor's instruction permit, ~~Class D, L or M only~~, from one of the selected Driver Services Facilities located throughout the State. ~~Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor~~

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~~of a driver education program or when practicing with a parent, legal guardian, family member, or person in loco parentis, who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and is occupying a seat beside the driver.~~

- c) Any person over the age of 18 or any person under the age of 18 who is enrolled in driver education at a commercial driver training school regulated by the Secretary of State who wishes to practice driving before obtaining a [non-Visa status](#) temporary visitor's driver's license pursuant to IVC Section 6-105.1(a-5) shall make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State to obtain a temporary visitor's instruction permit. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. An applicant for a [non-Visa status](#) temporary visitor's instruction permit shall provide acceptable forms of identification as provided in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address and residency in Illinois for a period in excess of one year. The applicant shall also submit a completed Verification of Residency form and either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act [5 ILCS 230/5], issued by the consulate of the applicant's country of citizenship and shall be required to submit a verification of residency form. Applicants over the age of 18 must also affirm under penalty of perjury that they are ineligible to obtain a social security number.
- d) Any person under the age of 18 enrolled in an approved driver education course at a public high school who wishes to practice driving before obtaining a [non-Visa status](#) temporary visitor's driver's license shall complete an application form, provided by the Secretary of State pursuant to IVC Section 6-106. The questions contained on the application form are provided in Appendix A. The applicant will be required to submit the acceptable forms of identification, as defined in Appendix C, at the time of application for a [non-Visa status TVDL](#) for a driver's license at a Driver Services Facility.
- e) Upon receipt of an instruction permit or temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or person in loco parentis

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who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and is occupying a seat beside the driver.

- fe) A temporary visitor's ~~An~~ instruction permit issued to any foreign national shall only be issued in a Class D, L or M as established in Section 1030.30.
- gd) The fees collected for the issuance of an original, renewal, duplicate or corrected instruction permit or temporary visitor's instruction permit shall be in accordance with IVC Section 6-118(a).
- he) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of that enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.
- if) A minor who is at least 15 years and ~~six~~ months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course, provided the minor:
- 1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and IVC Section 6-103(1) and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no

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objection to the issuance of the instruction permit; and

2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

j) An instruction permit issued to a minor under subsection (i) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.

k) The minor who is not legally emancipated by marriage or court order shall have the application signed by a parent, guardian or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

l) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in IVC Section 6-118(a) must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.

m) An Illinois instruction permit issued to a minor may be canceled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.

n) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.

o) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver

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Services Facility to take the written test and vision test and submit the fee required by IVC Section 6-118(a). Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant to appear at a Driver Services Facility to take the drive portion of the test. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- | **p**) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.
- | **q**) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation (see 92 Ill. Adm. Code 455). A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit will be issued.
- | **r**) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.
- | **s**) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to the classification of permit being renewed.
- | **t**) Prior to renewing a non-commercial instruction permit, an applicant is required to successfully complete vision screening and a written test.

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.86 Multiple Attempts – Written and/or Road Tests

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- a) The fee to obtain a driver's license required by IVC Section 6-118 shall entitle a person to a total of three attempts to pass the written and/or road tests within a one year period starting from the date of the first attempt. The first attempt is counted as one of the three attempts as provided for in IVC Section 6-106.
- b) An applicant for an Illinois CDL who fails the written and/or road tests after a third attempt shall be prohibited from re-testing for a period of 30 days.
- c) An applicant for a CDL who submits a new application after the 30-day waiting period specified in subsection (b) shall be allowed three attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of 90 days.
- d) An applicant for a CDL who submits a new application after the 90-day waiting period specified in subsection (c) of this Section shall be allowed three attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of one year from the date of the first fail.
- e) An applicant for an Illinois driver's license may be allowed to attempt the written and/or road tests a second time after a failure in the same day during normal business hours of the Driver Services Facility after failing the first attempt to pass the written and/or road tests. An applicant for a non-Visa status TVDL may be allowed to attempt the written or road test a second time after a failure in the same day, during normal business hours of the Driver Services Facility, if the Facility manager determines that sufficient personnel and time are available. However, if the applicant demonstrates a danger to public safety during the first attempt to pass a written and/or road tests, a second attempt during the same day will not be allowed. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which the previous attempt was failed. If an applicant fails the road test six times, the individual will not be permitted to attempt the road test a seventh time until a current favorable completed medical report form is submitted to the Department pursuant to IVC Sections 6-103(8) and 6-109(b). An applicant shall be exempt from the requirement of filing a medical report if, within the previous 90 days, a favorable medical report has been filed with the Department.
- f) The provisions of this Section do apply to applicants who are upgrading their driver's license classification.

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(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits

- a) The Department shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit if the Driver Services Facility representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive test at the time of renewal cannot be completed due to adverse road conditions that would make administration of the examination more difficult or unsafe, as determined by the facility manager. A temporary driver's license is also issued by a Driver Services Facility representative if the applicant does not wish a photo to be taken at the time the license is obtained or renewed due to facial disfigurement, or if the applicant is waiting for a non-photo driver's license application to be processed.
- ~~b) A temporary driver's license or instruction permit shall be issued to applicants who are not otherwise ineligible for a driver's license or instruction permit if the Secretary of State is processing an application for a special religious number as described in Section 1030.63 or completing an investigation into the applicant's eligibility to receive the license or permit pursuant to IVC Section 6-105(e).~~
- be) Temporary License or Permit upon Application by Driver
- 1) Persons who submit an application as required by IVC Section 6-106 and a fee as required by IVC Section 6-118(a) to the Driver Services Department of the Office of Secretary of State, 2701 South Dirksen Parkway, Springfield, Illinois 62723, and are not otherwise ineligible for a driver's license or instruction permit under the provisions of IVC Section 6-103, shall be issued a temporary driver's license or instruction permit if the applicant:
- A) loses a valid Illinois driver's license while out-of-state;
- B) is temporarily out-of-state and unable to return to Illinois to renew the driver's license;
- C) surrendered a valid Illinois driver's license in compliance with a

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terminated suspension notice and has a revocation or second or subsequent suspension pending; or

D) has a pending suspension or revocation of driving privileges that will be effective in 60 days or less and wishes to renew driving privileges prior to the effective date of the suspension or revocation.

2) The applicant shall be issued a temporary driver's license or instruction permit that is valid for up to 90 days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be made for the applicant to take the necessary test or tests at an out-of-state facility.

3) A temporary driver's license or temporary instruction permit shall not be issued pursuant to this Section to a TVDL or temporary visitor instruction permit holder or applicant.

cd) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of legal name, a valid social security number, zip code, date of birth, gender and residence address as described in IVC Section 6-106. The applicant shall affirm that all information set forth on the application is true and correct and bears the applicant's signature.

de) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed 90 days and shall be valid only when in the possession of the driver.

ef) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had driving privileges suspended, revoked or canceled.

fg) A temporary driver's license or instruction permit shall not be valid for identification purposes and shall so state on the license or permit itself.

gh) The temporary driver's license or instruction permit shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

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(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License

- a) **Application**

Every driver's license issued pursuant to IVC Section 6-110 shall include, as an integral part of the license, a head and shoulder, full-faced color photograph of the driver to whom the driver's license is being issued. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head dressings not covering any areas of the open face may be allowed. The driver's license shall be a photographically generated document that also includes the required information pertaining to the driver, the driver's signature, and other special security features to reduce the possibility of alteration and/or illegal reproduction. The driver's license must utilize a photograph taken of the driver at a Driver Services Facility that is produced by equipment specifically designed for this purpose.
- b) **Exceptions**

Exceptions may be made in the best interest of individual Illinois drivers as follows:

 - 1) **Established Religious Convictions.**
 - A) A driver will not be required to submit to a photograph if sufficient justification is provided by the driver to establish that a photograph would be in violation of or contradictory to the driver's religious convictions. If a driver declares that the use of a photograph is against his/her religious convictions, the driver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the driver's religious convictions, a place for the driver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the driver has offered, along with the date and official title of the minister or religious leader.
 - B) The Affidavit shall be forwarded by the driver to the Driver

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Services Department Central Office in Springfield where a review and a decision will be made by the Director of the Driver Services Department relative to the issuance or non-issuance of a valid driver's license without photograph. To assist the Director in this decision, a committee of three administrative personnel will be appointed by the Director. Each Affidavit will be reviewed by each member of the committee, and each individual recommendation will be made to the Director for his final decision.

- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow for driving privileges during the interim period while the Affidavit will be reviewed and a decision will be made by the Director.
 - D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
- 2) Facial Disfigurements.
- A) When a driver requests a driver's license without a photograph because the driver states that it is embarrassing or distasteful to submit to a photograph because of a facial disfigurement caused by disease, trauma or congenital condition, the requirement of a photograph may be waived. The Supervisor of the Driver Services Facility in which the driver appears shall make a decision, based upon the extent of the facial disfigurement, regarding the issuance of a driver's license without a photograph. Should the Supervisor approve the issuance of a driver's license without a photograph, the driver's license will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
 - B) Should the Supervisor not approve the issuance of a driver's license without a photograph, the Supervisor will forward a written statement from the driver, along with a statement from the Supervisor providing detailed information to the Director of the Driver Services Department regarding the extent of the disfigurement and the Supervisor's justification for disapproval.

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The Director of the Driver Services Department may obtain further information and/or professional opinions to support an objective decision regarding whether a valid driver's license without the photograph may be issued.

- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow driving privileges during the interim period while the driver's license is being issued, or the statements relating to disapproval are being reviewed and a decision is being made.
 - D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
- 3) Out-of-State.
- A) Drivers who are temporarily residing outside the State of Illinois and/or who are temporarily absent from the State at the expiration date of the driver's license may apply for a valid driver's license without photograph and signature because of their inability to appear at an Illinois Driver Services Facility. If an Illinois driver declares, in writing, that he/she is out-of-state at the time the driver's license must be renewed, and submits this information with the properly completed application and renewal fee, a driver's license may be issued without the driver's photograph and signature.
 - B) However, the driver will be informed that he/she must appear at a Driver Services Facility within 45 days upon returning to Illinois and exchange this valid driver's license without photograph and signature for a driver's license containing the driver's photograph and signature. This replacement driver's license is issued without additional charge to the driver. If the driver does not return to Illinois and obtain a replacement driver's license with the photograph and signature, the driver's license without the photograph and signature may not be renewed upon expiration unless the driver submits an affidavit attesting to the fact that he/she has not returned to the State of Illinois during the term of

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the driver's license without the photograph and signature.

- C) A non-photo temporary driver's license may be issued to those drivers who plan to return to Illinois within a 90-day period. If a driver's license renewal examination is required, this examination must be taken and will not be waived. In those cases in which reciprocal agreements exist with driver's licensing entities in other jurisdictions, the Illinois examination shall be administered by a qualified representative of the jurisdiction, and the results reported to and accepted by the Illinois Department.

c) TVDL applicants or holders are not eligible for an exception under subsection (b)(3).

de) Hearings
Should the Director deny the issuance of a driver's license without photograph and/or signature, the individual may appeal that decision by requesting in writing a hearing pursuant to IVC Section 2-118.

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

Section 1030.115 Change-of-Address

- a) Pursuant to IVC Section 6-116, a person who changes address must inform the Secretary of State in writing within 10 days after the change. After proper notification of change of address, the address shall be changed on the driver's license file.
- b) To notify the Department of an address change, an individual may go to a Driver Services Facility and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary of State's official website.
- c) Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, the individual's attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: post office change-of-address card, Secretary of State change-of-address card, Secretary of State Judicial Request to Suppress Personal Information form, court documents with "new address" written

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on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a monitoring device driving permit order, or money orders reflecting new address.

- d) Documents not acceptable as notification to the Department of an address change include the following: conviction reports; failure to appear notices; statutory summary suspension sworn reports (unless there is an out-of-state address indicated on the statutory summary suspension sworn report that corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois); court transcripts (unless "new address" is written on documents); accident reports; or addresses on checks unless "new address" is specified.
- e) An applicant for a TVDL may not request an address change until after the original TVDL has been processed and mailed to the address provided at the time of original application.

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

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Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on or be provided with an application for a driver's license:

If you are applying for an Identification (ID) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10 ~~and question 13~~; ~~or for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.~~

- 1) Is your driver's license or ID card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state or country under this or any other name? (If yes, a letter of clearance is required.)
- 2) Do you presently hold a valid driver's license or ID card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
- 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a signed medical agreement are required.)
- 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement and a signed medical agreement are required.)
- 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement and a signed medical agreement may be required.)
- 8) Are your commercial driver's license privileges currently disqualified or subject to an out-of-service order?
- 9) Do you certify that you meet the "Qualifications of Driver's" portion of Part 391 of the Federal Motor Carrier Safety Regulations and operate in non-excepted interstate commerce? (If the applicant answers yes to this

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question, the applicant checks a box marked "NI". If the applicant answers no to this question, the applicant must check one of 3 boxes that set forth the type of driving in which the applicant will engage. If no, indicate why you are not subject to these qualifications.

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants).

- ~~11) Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?~~
- ~~12) Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify that information?~~
- ~~13) Have you been licensed in any other state in the last 10 years?~~

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

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Section 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit

- a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall affirm under penalty of perjury that they are ineligible to obtain a social security number, submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) Except as provided for in subsections (m), (n) and (o), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.

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- e) Applicants renewing a current Illinois driver's license or identification card need only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).
- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.
- 1) GROUP A (Written Signature)
- Canceled Check (dated within 90 days prior to application)
 - Cooperative Driver ~~Certificate Training Program (CDTP) Certification Form~~
 - Court Order
 - Credit Card/Debit Card – Major Brand
 - Driver Education Certificate
 - Government Driver's License
 - Government Identification Card
 - Illinois Driver's License – current
 - Illinois Identification Card – current
 - U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

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I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified Grade/High School/College/University Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

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I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

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Affidavit – Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead – dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City or Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

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Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

~~Vehicle Registration Card~~

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.
- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.
- k) Group D documents, as outlined in subsection (f), must contain the applicant's full

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residence address.

- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- o) A judicial officer who wishes to change his or her residence address or mailing address to his or her business address, pursuant to the Judicial Privacy Act [705 ILCS 90], is required to present only a Secretary of State Request to Suppress Personal Information form as proof of residency.
- p) Unacceptable identification documents include, but are not limited toare:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

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Instruction Permit/Receipts

Insurance

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 37 Ill. Reg. 19342, effective November 28, 2013)

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Section 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

- a) Except as provided in subsection (c), applicants for an original, renewal, duplicate or corrected non-Visa status temporary visitor's driver's license (TVDL) pursuant to IVC Section 6-105.1(a-5) shall submit the following:
- 1) One document to prove written signature;
 - 2) One document to prove name and date of birth;
 - 3) Two documents to prove current Illinois residence address;
 - 4) One document to prove Illinois residency in excess of one year;
 - 5) Verification of Residency form;
 - 6) Valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by the applicant's country of citizenship pursuant to Section 5 of the Consular Identification Document Act [5 ILCS 230/5]; and
 - 7) A letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a TVDL, verifying ineligibility for a social security number. All documents presented must be valid and unexpired. Photocopies of documents will not be accepted. Acceptance of documents not listed in this Appendix must be approved by the Director of Driver Services or his or her designee.
- b) Applicants for an original non-Visa status TVDL shall be required to submit a verification of residency form.
- c) Applicants for a renewal, duplicate or corrected TVDL do not have to submit a verification of residency form.
- d) A TVDL holder who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous name, date of birth or gender and the new name, date of birth or gender.

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- e) Documents that are acceptable for the purpose of obtaining a TVDL:
- 1) Written Signature:
 - Consular Identification Document
 - Cooperative Driver Certificate
 - Court Order
 - Credit Card – Major Brand
 - Driver's License or Identification Card (issued by another state of the United States)
 - Foreign Passport (with complete date of birth: day, month and year)
 - Mexican Electoral Card
 - Mortgage or Installment Loan Agreement
 - United States Federal, State or Local Government ID Card
 - 2) Name and Date of Birth:
 - Consular Identification Document
 - Foreign Passport (with complete date of birth: day, month and year)
 - 3) Current Illinois Residence Address:
 - Bank Statement (dated within 90 days prior to application)
 - Certified Grade School/High School/College/University Transcript
 - Consular Identification Document
 - Credit Report Issued by Experian, Equifax or TransUnion (dated within 90 days prior to application)

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Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency (dated within 90 days prior to application)

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Selective Service Card

Tuition Invoice or Other Official Mail from a College or University (dated within 90 days prior to application)

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas; dated within 90 days prior to application)

- 4) Illinois Residency in Excess of One Year (all documents must be dated at least 12 months prior to the date of application):

Bank Statement

Certified Grade School/High School/College/University Transcript

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency

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Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Tuition Invoice or Other Official Mail from a College or University

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas)

e) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

f) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance Card

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Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Added at 37 Ill. Reg. 19342, effective November 28, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.539 Proposed Action:
Amendment
- 4) Date Notice of Proposed Amendment published in the *Illinois Register*: August 30, 2013; 37 Ill. Reg. 13853
- 5) Reason for the Withdrawal: The Department is withdrawing the proposed amendment to allow sufficient time to address comments submitted by outside parties and ensure, to the extent possible, the resolution of concerns voiced by the regulated public.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Proposed Action:
Amendment
- 4) Date Notice of Proposed Amendment published in the *Illinois Register*: August 30, 2013; 37 Ill. Reg. 13877
- 5) Reason for the Withdrawal: The Department is withdrawing the proposed amendment to allow sufficient time to address comments submitted by outside parties and ensure, to the extent possible, the resolution of concerns voiced by the regulated public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Numbers: Table of Contents for the Part and Section 301.20
- 4) Date Proposal published in *Illinois Register*: May 27, 2011; 35 Ill. Reg. 8018
- 5) Date Adoption published in *Illinois Register*: March 16, 2012; 36 Ill. Reg. 4039
- 6) Date Request for Expedited Correction published in *Illinois Register*: June 28, 2013; 37 Ill. Reg. 8972
- 7) Adoption Effective Date: March 5, 2012
- 8) Correction Effective Date: March 5, 2012
- 9) Reason for Approval of Expedited Correction: DCFS' 3/5/12 adoption of this rulemaking, published in the March 16, 2012 *Illinois Register*, inadvertently omitted several amendments from a previous rulemaking adopted on January 30, 2012. Specifically, Appendix A in the Table of Contents did not reflect the updated title and Section 301.20 amendments to the definitions of Family, Father, Final placement decision and Godparent were omitted. This expedited correction adds the omitted amendments to this Part.

The full text of the Corrected Rules begins on the following page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
- 301.2 Definition (Repealed)
- 301.3 Foster Care Placement Goal (Renumbered)
- 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
- 301.20 Definitions
- 301.30 Introduction
- 301.40 Legal Authority to Place
- 301.50 Emergency Placement
- 301.60 Placement Selection Criteria
- 301.70 Sibling Placement
- 301.80 Relative Home Placement
- 301.90 Foster Family Home Care
- 301.100 Residential Care
- 301.110 Care in a Medical/Psychiatric Facility
- 301.120 Sharing Appropriate Information with the Caregiver
- 301.130 Medical Examinations for Children in Placement
- 301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

- 301.200 Purpose
- 301.210 Family-Child Visitation
- 301.220 Sibling Visitation
- 301.230 Contact Among Siblings Placed Apart
- 301.240 Grandparents Visitation

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SUBPART C: FOSTER CARE PLACEMENT GOAL

Section	Purpose
301.310	Purpose
301.320	Foster Care Placement Goal
301.330	Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER
IDENTIFYING INFORMATION

Section	Purpose
301.410	Purpose
301.420	Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430	Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440	Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450	Specific Notice of Disclosure
301.460	Disclosure Prohibited
301.470	Redislosure Prohibited

301.APPENDIX A Criminal Convictions ~~that~~which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended

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at 36 Ill. Reg. 2098, effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19419, effective March 5, 2012.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USC 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings", as used in this Part, means telephone and written communication among siblings who are placed apart from one another.

"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(c) of this Part.

"Family" means one or more adults and children, related by blood, marriage, civil

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union, or adoption and residing in the same household.

"Father" means a man presumed to be the natural father of a child if:

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act [410 ILCS 535];

he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7] [750 ILCS 45/5]; or

he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Act. (See Sections 5(a)(4) and 6 of the Act [\[750 ILCS 45/5\(a\)\(4\) and 6\]](#).)

A man can rebut a presumption of paternity before a court of jurisdiction. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's

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room, board, clothing, and personal allowance in a licensed foster family home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in [Section 89 III. Adm. Code 301.60](#) (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in [Section 89 III. Adm. Code 301.80](#) must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

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"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or

is the spouse, or party to a civil union, of such a relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister, or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

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"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Expedited Correction at 37 Ill. Reg. 194199, effective March 5, 2012)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Table of Contents for the Part
- 4) Date Proposal published in *Illinois Register*: May 27, 2011; 35 Ill. Reg. 8027
- 5) Date Adoption published in *Illinois Register*: March 16, 2012; 36 Ill. Reg. 4048
- 6) Date Request for Expedited Correction published in *Illinois Register*: June 28, 2013; 37 Ill. Reg. 8980
- 7) Adoption Effective Date: March 5, 2012
- 8) Correction Effective Date: March 5, 2012
- 9) Reason for Approval of Expedited Correction: DCFS' 3/5/12 adoption of this rulemaking, published in the March 16, 2012 *Illinois Register*, failed to delete the word "Program" from the Section 302.410 title in the Table of Contents, which had been stricken by the rulemaking.

The full text of the Corrected Rules begins on the following page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

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302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship Program (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; the Adoption Act [750 ILCS 50]; and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; preemptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June

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14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19427, effective March 5, 2012.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Permanency Planning
- 2) Code Citation: 89 Ill. Adm. Code 315
- 3) Section Numbers: Table of Contents for the Part
- 4) Date Proposal published in *Illinois Register*: May 27, 2011; 35 Ill. Reg. 8051
- 5) Date Adoption published in *Illinois Register*: March 16, 2012; 36 Ill. Reg. 4073
- 6) Date Request for Expedited Correction published in *Illinois Register*: June 28, 2013; 37 Ill. Reg. 8984
- 7) Adoption Effective Date: March 5, 2012
- 8) Correction Effective Date: March 5, 2012
- 9) Reason for Approval of Expedited Correction: DCFS' 3/5/12 adoption of this rulemaking, published in the March 16, 2012 *Illinois Register*, did not include the Table of Contents entry for Section 315.241, which had been adopted in an intervening rulemaking (35 Ill. Reg. 14934, effective 9/1/11).

The full text of the Corrected Rules begins on the following page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 315

PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

- 315.10 Purpose
- 315.20 Definitions
- 315.30 Best Interests Health and Safety of the Child
- 315.40 Accountability
- 315.45 The Need for a Permanent Home
- 315.50 Reasonable Efforts/Reasonable Progress
- 315.60 The Child's Sense of Time
- 315.70 The Critical Decisions
- 315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

- 315.100 Assessment
- 315.110 Worker Interventions and Contacts
- 315.120 Family Meetings
- 315.130 Developing the Service Plan
- 315.140 Distributing the Service Plan
- 315.150 Revising the Service Plan
- 315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

- 315.200 Selection of the Permanency Goal
- 315.205 Return Home Within Five Months
- 315.210 Return Home Within One Year
- 315.215 Return Home Pending Status Hearing
- 315.220 Substitute Care Pending Court Determination on Termination of Parental Rights
- 315.225 Adoption
- 315.230 Guardianship

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

315.235	Independence
315.240	Cannot Be Provided for in a Home Environment
315.241	Continuing Foster Care
315.245	Concurrent Planning
315.250	Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section	
315.300	Evaluating Whether Children in Placement Should Be Returned Home
315.305	When Reunification Is Inappropriate
315.310	Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, section 475 of the Social Security Act (42 USC 675), the Juvenile Court Act of 1987 [705 ILCS 405], the Adoption Act [750 ILCS 50] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008; amended 35 Ill. Reg. 14934, effective September 1, 2011; amended at 36 Ill. Reg. 4073, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19431, effective March 5, 2012.

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 November 12, 2013 through November 18, 2013. The rulemakings are scheduled for review at the Committee's December 17, 2013 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>
12/26/13	<u>Department of Transportation</u> , Disadvantaged Business Revolving Loan Program (92 Ill. Adm. Code 5)	9/27/13 37 Ill. Reg. 15513	12/17/13
12/26/13	<u>Natures Preserves Commission</u> , Inventories, Registers, and Records (17 Ill. Adm. Code 4020)	5/24/13 37 Ill. Reg. 7111	12/17/13
12/27/13	<u>Department of Insurance</u> , Navigator, In-Person Counselor and Certified Application Counselor Certification (50 Ill. Adm. Code 3125)	9/20/13 37 Ill. Reg. 15238	12/17/13
12/27/13	<u>Illinois Environmental Protection Agency</u> , Testing Fees for Analytical Services 935 Ill. Adm. Code 691)	7/12/13 37 Ill. Reg. 9820	12/17/13
12/28/13	<u>Secretary of State</u> , Dealers, Wreckers, Transporters and Rebuilders (92 Ill. Adm. Code 1020)	9/27/13 37 Ill. Reg. 15503	12/17/13
12/28/13	<u>Department of Insurance</u> , Minimum Standards of Individual Accident and Health Insurance (50 Ill. Adm. Code 2007)	9/20/13 37 Ill. Reg. 15191	12/17/13
1/1/14	<u>Illinois Student Assistance Commission</u> , Illinois National Guard (ING) Grant Program (23 Ill.	9/20/13 37 Ill. Reg.	12/17/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Adm. Code 2730)	15332	
1/1/14	<u>Illinois Student Assistance Commission</u> , Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)	9/20/13 37 Ill. Reg. 15334	12/17/13
1/1/14	<u>Department of Insurance</u> , Long-Term Care Insurance (50 Ill. Adm. Code 2012	8/16/13 37 Ill. Reg. 13108	12/17/13
1/1/14	<u>Department of Insurance</u> , Managed Care Reform & Patient Rights (50 Ill. Adm. Code 5420)	9/20/13 37 Ill. Reg. 15251	12/17/13
1/1/14	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	9/13/13 37 Ill. Reg. 14378	12/17/13

GUBERNATORIAL PROCLATION

2013-412**GUBERNATORIAL PROCLAMATION**

Severe storms, generating tornadoes and straight-line winds, moved through Illinois on November 17, 2013. As a result of the storms, there have been confirmed fatalities, personal injuries, widespread property damage, and power outages throughout the State. The early damage reports indicate that the hardest hit areas include Champaign, Grundy, LaSalle, Massac, Tazewell, Washington and Woodford Counties.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Champaign, Grundy, LaSalle, Massac, Tazewell, Washington and Woodford Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: November 17, 2013

Filed: November 18, 2013

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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