

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 37  
September 14, 2007  
Pages 13050-13260

Index Department  
Administrative Code Division  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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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.].

### 2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
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48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.270                      Proposed Action:  
Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) A Complete Description of the Subjects and Issues Involved: The Arbitrator title is assigned an annual legislated rate of \$4,000 less than the Workers' Compensation Commission member's rate based on the Workers' Compensation Act [820 ILCS 305/14]. The Public Act 95-144 effective August 13, 2007 appropriated the funds to allow the Office of the Comptroller to change the rate of pay for the members of the Workers' Compensation Commission. The Office of the Comptroller notified the Department of Central Management Services of the Workers' Compensation Commission member's rates and their effective dates.

In Section 310.270, the rate table is deleted and a new rate table is added. The new annual salaries for the Arbitrator title are \$107,549 effective January 1, 2007 and \$111,453 effective July 1, 2007.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06
310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.45	Amendment	31 Ill. Reg. 9660; 7/13/07
310.50	Amendment	31 Ill. Reg. 9660; 7/13/07
310.80	Amendment	31 Ill. Reg. 9660; 7/13/07
310.90	Amendment	31 Ill. Reg. 9660; 7/13/07
310.100	Amendment	31 Ill. Reg. 9660; 7/13/07
310.410	Amendment	31 Ill. Reg. 9660; 7/13/07
310.450	Amendment	31 Ill. Reg. 9660; 7/13/07
310.460	Amendment	31 Ill. Reg. 9660; 7/13/07
310.470	Amendment	31 Ill. Reg. 9660; 7/13/07
310.480	Amendment	31 Ill. Reg. 9660; 7/13/07
310.490	Amendment	31 Ill. Reg. 9660; 7/13/07
310.495	Amendment	31 Ill. Reg. 9660; 7/13/07
310.500	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE A	Amendment	31 Ill. Reg. 12384; 8/31/07

- 11) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett  
Acting Manager

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

Phone: 217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

- 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 summarized on the 7/07 regulatory agenda because it is implementing PA 95-144 that became effective August 13, 2007.

The text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 13220 of this issue of the *Illinois Register*:

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Review of Remediation Costs for River Edge Redevelopment Zone Site Remediation Tax Credit
- 2) Code Citation: 35 Ill. Adm. Code 888
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
888.100	New Section
888.105	New Section
888.110	New Section
888.115	New Section
888.120	New Section
888.125	New Section
888.130	New Section
888.135	New Section
888.140	New Section
- 4) Statutory Authority: Section 58.14a of the Environmental Protection Act [415 ILCS 5/58.14a]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules set forth the procedures to be followed by Remediation Applicants to obtain Agency review and approval of remediation costs prior to applying for the River Edge Redevelopment Zone Site Remediation Tax Credit under Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]. The Part contains procedures for preliminary reviews of estimated remediation costs and reviews of remediation costs actually incurred, establishes fees for the Agency's reviews, provides for appeals of Agency determinations, and includes examples of remediation costs and ineligible costs.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: The proposed rules do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

M. Kyle Rominger, Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules will affect Remedial Applicants seeking Illinois EPA review and approval of remediation costs prior to applying for the River Edge Redevelopment Zone Site Remediation Tax Credit under Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]. The only municipalities eligible for River Edge Redevelopment Zones are Aurora, East St. Louis, and Rockford.
  - B) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping, and other procedures required for compliance with the proposed rules are those necessary to document the remediation costs for which a Remedial Applicant will be seeking a River Edge Redevelopment Zone Site Remediation Tax Credit. The proposed rules are based upon the Illinois Pollution Control Board's rules for the Illinois EPA's review of remediation costs for the expired Environmental Remediation Tax Credit.
  - C) Types of professional skills necessary for compliance: No specific professional skills are required for compliance with the proposed rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Illinois EPA regulatory agendas because: The rules are being proposed pursuant to Public Act 95-454, which was signed into law on August 27, 2007.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

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

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 888

REVIEW OF REMEDIATION COSTS FOR RIVER EDGE REDEVELOPMENT  
ZONE SITE REMEDIATION TAX CREDIT

## Section

888.100	General
888.105	Definitions
888.110	Severability
888.115	Preliminary Review of Estimated Remediation Costs
888.120	Application for Review of Remediation Costs
888.125	Agency Review of Application for Review of Remediation Costs
888.130	Fees and Manner of Payment
888.135	Remediation Costs
888.140	Ineligible Costs

**AUTHORITY:** Implementing and authorized by Section 58.14a of the Environmental Protection Act [415 ILCS 5/58.14a].

**SOURCE:** Adopted at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 888.100 General**

This Part sets forth the procedures to be followed by Remediation Applicants to obtain Agency review and approval of remediation costs before applying for the River Edge Redevelopment Zone Site Remediation Tax Credit under Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]. This Part contains procedures for preliminary reviews of estimated remediation costs and reviews of remediation costs actually incurred, establishes fees for the Agency's reviews, provides for appeals of Agency determinations, and includes examples of remediation costs and ineligible costs.

**Section 888.105 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

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

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS 5/3.01]

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Illinois Pollution Control Board.

"DCEO" means the Department of Commerce and Economic Opportunity.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. [415 ILCS 5/58.2]

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. [415 ILCS 60/4]

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). [415 ILCS 5/58.2]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident,

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

*as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS5/3.33]*

*"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. [415 ILCS 5/58.2]*

*"Remediation Applicant" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site. [415 ILCS 5/58.2]*

*"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for the site. "Remediation costs" do not include any costs incurred before January 1, 2007, any costs incurred after the issuance of a No Further Remediation Letter under Section 58.10 of the Act, or any costs incurred more than 12 months before acceptance into the Site Remediation Program under 35 Ill. Adm. Code 740. [415 ILCS 5/58.2]*

*"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or 35 Ill. Adm. Code 740.*

*"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.*

*"River Edge Redevelopment Zone" means an area of the State certified by the Department of Commerce and Economic Opportunity as a River Edge*

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

*Redevelopment Zone pursuant to the River Edge Redevelopment Zone Act.* [65 ILCS 115/10-3]

*"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way.* [415 ILCS 5/58.2] This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

"Site Remediation Program" means the Agency's Site Remediation Program established under Title XVII of the Act and 35 Ill. Adm. Code 740.

**Section 888.110 Severability**

If any Section, subsection, sentence, or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause thereof not judged invalid.

**Section 888.115 Preliminary Review of Estimated Remediation Costs**

- a) The Remediation Applicant for any remediation site enrolled in the Site Remediation Program may request a preliminary review of estimated remediation costs by submitting a budget plan along with the Remedial Action Plan required under 35 Ill. Adm. Code 740.450. No budget plan shall be accepted for review by the Agency unless a Remedial Action Plan satisfying the requirements of 35 Ill. Adm. Code 740.450 also has been submitted. The budget plan shall be submitted on forms prescribed and provided by the Agency and shall include, but not be limited to, the following information:
  - 1) Identification of applicant and remediation site:
    - A) The full legal name, address and telephone number of the Remediation Applicant, any authorized agents acting on behalf of the Remediation Applicant, and any contact persons to whom inquiries and correspondence must be addressed;
    - B) The address, site name, tax parcel identification numbers and Illinois inventory identification number for the remediation site for which the River Edge Redevelopment Zone Site Remediation Tax

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

Credit is being sought and the date of acceptance of the site into the Site Remediation Program;

- C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the Remediation Applicant.
- 2) Line item estimates of the costs that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan, including but not limited to:
- A) Site investigation activities:
    - i) Drilling costs;
    - ii) Physical soil analysis;
    - iii) Monitoring well installation;
    - iv) Disposal costs.
  - B) Sampling and analysis activities:
    - i) Soil analysis costs;
    - ii) Groundwater analysis costs;
    - iii) Well purging costs;
    - iv) Water disposal costs.
  - C) Remedial activities:
    - i) Groundwater remediation costs;
    - ii) Excavation and disposal costs;
    - iii) Land farming costs;
    - iv) Above-ground bio-remediation costs;

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

- v) Land application costs;
  - vi) Low temperature thermal treatment costs;
  - vii) Backfill costs;
  - viii) In-situ soil remediation costs.
- D) Report preparation costs.
- 3) A certification, signed by the Remediation Applicant or authorized agent and notarized, as follows:
- I, \_\_\_\_\_ (name of Remediation Applicant, if individual, or authorized agent of Remediation Applicant), hereby certify that neither \_\_\_\_\_ ("I" if Remediation Applicant is certifying or name of Remediation Applicant if authorized agent is certifying), nor any related party (as described in Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]), nor any person whose tax attributes \_\_\_\_\_ ("I" if Remediation Applicant is certifying or name of Remediation Applicant if authorized agent is certifying) have (has) succeeded to, under section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release of regulated substances or pesticides that are identified and addressed in the Remedial Action Plan submitted for the site identified above.
- 4) Certification from the Department of Commerce and Economic Opportunity that the remediation site is located in a River Edge Redevelopment Zone. The certification must clearly identify the remediation site by name, address, tax parcel identification numbers, and Illinois inventory identification number.
- 5) The original signature of the Remediation Applicant or authorized agent acting on behalf of the Remediation Applicant.
- b) Budget plans shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

Agency's normal business hours. There is no fee for the review of budget plans under this Section.

- c) The time for the Agency to review the budget plan begins on the date that the Agency receives the budget plan. The Agency's record of the date of receipt of the budget plan shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from registered or certified mail. The Remediation Applicant may waive the time for review. The time frames for the Agency review are:
- 1) If the budget plan is submitted with the Remedial Action Plan, the submission of the budget plan shall be deemed an automatic 60-day waiver of the applicable review period for the Remedial Action Plan, as set forth in 35 Ill. Adm. Code 740.505(d). In this instance, the Agency shall have 120 days from its receipt of the two documents to make a final determination on the two documents.
  - 2) If the budget plan is not submitted with the Remedial Action Plan, the budget plan may not be submitted until after the Agency has made a final determination on the Remedial Action Plan. If the budget plan is submitted after the Agency has approved, or approved with conditions, the Remedial Action Plan, the Agency shall have 60 days from its receipt of the budget plan to make a final determination on the budget plan.
  - 3) If an amended Remedial Action Plan or amended budget plan is submitted before an Agency final determination on the Remedial Action Plan and budget plan, the Agency shall have 120 days from its receipt of the amended document to make a final determination on the two documents.
  - 4) If an amended budget plan is submitted without an amended Remedial Action Plan and after the Agency's final determination on the Remedial Action Plan, the Agency shall have 60 days from its receipt of the amended budget plan to make a final determination on the amended budget plan.
- d) The Agency shall review the budget plan and the Remedial Action Plan to determine, in accordance with Sections 888.135 and 888.140 of this Part, whether the estimated costs are remediation costs. Upon completion of the preliminary review, the Agency shall notify the Remediation Applicant in writing of its final

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

determination to approve, disapprove or modify the estimated remediation costs submitted in the budget plan.

- 1) If a budget plan is disapproved or approved with modification of estimated remediation costs, the written notification shall contain the following information as applicable:
    - A) An explanation of the specific type of information or documentation, if any, that the Agency deems the Remediation Applicant did not provide;
    - B) The reasons for the disapproval or modification of estimated remediation costs;
    - C) Citations to statutory or regulatory provisions upon which the determination is based.
  - 2) The Agency may combine the notification of its final determination on a budget plan with the notification of its final determination on the corresponding Remedial Action Plan.
  - 3) The Agency's notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's determination shall be deemed to have taken place on the postmarked date that the notice is mailed.
- e) Revision and Resubmission
- 1) If the Agency disapproves a Remedial Action Plan or approves a Remedial Action Plan with conditions in accordance with 35 Ill. Adm. Code 740, the Agency may return the corresponding budget plan to the Remediation Applicant without review. If the Remedial Action Plan is amended as a result of the Agency action, the Remediation Applicant may submit a revised budget plan for review. No additional fee shall be required for this review.
  - 2) If the Remedial Action Plan is amended by the Remediation Applicant and the Remediation Applicant intends to submit the Agency's final determination on the budget plan in accordance with Section 888.125(c) of

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

this Part, the budget plan shall be revised accordingly and resubmitted for Agency review. No additional fee shall be required for this review.

- f) If the Agency disapproves or modifies the budget plan or fails to issue a final determination within the applicable review period, the Remediation Applicant may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.
- g) The Agency's acceptance of a certification that neither the Remediation Applicant, nor any related party (as described in Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]), nor any person whose tax attributes the Remediation Applicant has succeeded to under section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release for which the River Edge Redevelopment Zone Site Remediation Tax Credit is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

**Section 888.120 Application for Review of Remediation Costs**

- a) The Remediation Applicant for any remediation site enrolled in the Site Remediation Program may submit an application for review of remediation costs. No application shall be submitted until a No Further Remediation Letter has been issued and the No Further Remediation Letter (or an affidavit under 35 Ill. Adm. Code 740.620(a)(2) stating that the No Further Remediation Letter has issued by operation of law) has been recorded in the chain of title for the site, all in accordance with Title XVII of the Act and 35 Ill. Adm. Code 740. The application shall be submitted on forms prescribed and provided by the Agency and shall include, but not be limited to, the following information:
  - 1) Identification of applicant and remediation site:
    - A) The full legal name, address and telephone number of the Remediation Applicant, any authorized agents acting on behalf of the Remediation Applicant, and any contact persons to whom inquiries and correspondence must be addressed;

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- B) The address, site name, tax parcel identification numbers and Illinois inventory identification number for the remediation site for which the River Edge Redevelopment Zone Site Remediation Tax Credit is being sought and the date of acceptance of the site into the Site Remediation Program;
- C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the Remediation Applicant;
- 2) A true and correct copy of the No Further Remediation Letters (or affidavits under 35 Ill. Adm. Code 740.620(a)(2) stating that the No Further Remediation Letter has issued by operation of law) for the remediation site as recorded in the chain of title for the site and certified by the appropriate County Recorder or Registrar of Titles;
- 3) Itemization and documentation of remediation activities at the remediation site for which the River Edge Redevelopment Zone Site Remediation Tax Credit is sought and for the costs of remediation incurred by the Remediation Applicant at the site, including invoices, billings and dated, legible receipts along with canceled checks or other Agency-approved methods of proof of payment;
- 4) A certification, signed by the Remediation Applicant or authorized agent and notarized, as follows:

I, \_\_\_\_\_ (name of Remediation Applicant, if individual, or authorized agent of Remediation Applicant), hereby certify that:

The site for which this application for a River Edge Redevelopment Zone Site Remediation Tax Credit is submitted is the same site as the site for which the No Further Remediation Letter was issued;

All the costs included in this application were incurred at the site and for the regulated substances or pesticides for which the No Further Remediation Letter was issued;

The costs submitted were paid by \_\_\_\_\_ ("me" if Remediation Applicant is certifying or name of Remediation Applicant if

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authorized agent is certifying) and are accurate to the best of my knowledge and belief;

None of the costs included in this application were incurred before January 1, 2007, or more than 12 months before the enrollment of the site in the Site Remediation Program, or after the date of issuance of the No Further Remediation Letter;

Neither \_\_\_\_\_ ("I" if Remediation Applicant is certifying or name of Remediation Applicant if authorized agent is certifying), nor any related party (as described in Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]), nor any person whose tax attributes \_\_\_\_\_ ("I" if Remediation Applicant is certifying or name of Remediation Applicant if authorized agent is certifying) have (has) succeeded to, under section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release of regulated substances or pesticides for which the No Further Remediation Letter was issued.

- 5) Certification from the Department of Commerce and Economic Opportunity that the remediation site is located in a River Edge Redevelopment Zone. The certification must clearly identify the remediation site by name, address, tax parcel identification numbers, and Illinois inventory identification number.
  - 6) The original signature of the Remediation Applicant or of the authorized agent acting on behalf of the Remediation Applicant.
- b) The application for review shall be accompanied by the applicable fee for review as provided in Section 888.130 of this Part. Applications shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the Agency's normal business hours.
  - c) The Agency's acceptance of a certification that neither the Remediation Applicant, nor any related party (as described in Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]), nor any person whose tax attributes the Remediation Applicant has succeeded to under section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release for which the River Edge Redevelopment Zone Site

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Remediation Tax Credit is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

**Section 888.125 Agency Review of Application for Review of Remediation Costs**

- a) The Agency shall review the application for review of remediation costs to determine, in accordance with Sections 888.135 and 888.140 of this Part, whether the costs incurred are remediation costs.
- b) The Agency shall have 60 days after the receipt of an application for review to make a final determination on the application. The Agency's record of the date of receipt of the application shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from registered or certified mail. The Remediation Applicant may waive the time for review. Submittal of an amended application restarts the time for review.
- c) Further Review by the Agency
  - 1) If a preliminary review of a budget plan has been obtained under Section 888.115 of this Part, the Remediation Applicant may submit, along with the application, supporting documentation, and the applicable fee under Section 888.130 of this Part, a copy of the Agency's final determination on the budget plan accompanied by a certification, signed by the Remediation Applicant or authorized agent and notarized, as follows:

I, \_\_\_\_\_ (name of Remediation Applicant, if individual, or name of authorized agent of Remediation Applicant), hereby certify that the actual remediation costs incurred at the site for line items (list line items to which certification applies) and identified in the application for review of remediation costs are equal to or less than the costs approved for the corresponding line items in the attached budget plan determination.
  - 2) If the budget plan determination and certification are submitted pursuant to subsection (c)(1) of this Section, the Agency may, but is not required to, conduct further review of the certified line item costs incurred for development and implementation of the Remedial Action Plan and may approve such costs as submitted. The Agency's further review shall be

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limited to confirming that costs approved in the Agency's budget plan determination were actually incurred by the Remediation Applicant for development and implementation of the Remedial Action Plan.

- 3) If the certification in subsection (c)(1) of this Section does not apply to all line items as approved in the budget plan, the Agency shall conduct its review of the costs for the uncertified line items as if no budget plan had been approved. In that review, the Agency shall not reconsider the appropriateness of any activities, materials, labor, equipment, structures, or services already approved by the Agency for the development and implementation of the Remedial Action Plan.
- d) Upon completion of the review, the Agency shall notify the Remediation Applicant in writing of its final determination to approve, disapprove, or modify the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, the written notification shall contain the following information as applicable:
  - 1) An explanation of the specific type of information or documentation, if any, that the Agency deems the Remediation Applicant did not provide;
  - 2) The reasons for the disapproval or modification of remediation costs;
  - 3) Citations to statutory or regulatory provisions upon which the determination is based.
- e) The Agency's notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's determination shall be deemed to have taken place on the postmarked date that the notice is mailed.
- f) If the Agency disapproves or modifies the application for review or fails to issue a final determination within the applicable review period, the Remediation Applicant may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

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- g) *The Agency shall review applications for review of remediation costs in consultation with the Department of Commerce and Economic Opportunity.* [415 ILCS 5/58.14a(a)]

**Section 888.130 Fees and Manner of Payment**

- a) There is no fee for the preliminary review of estimated remediation costs under Section 888.115 of this Part.
- b) The fee for the review of an application for review of remediation costs under Section 888.125 of this Part is \$250 for each remediation site reviewed.
- c) The fee for a review under this Part shall be in addition to any other fees, payments, or assessments under Title XVII of the Act and 35 Ill. Adm. Code 740. The fee shall be paid by check or money order made payable to "Treasurer - State of Illinois, for Deposit in the Hazardous Waste Fund". The check or money order shall include the Illinois inventory identification number and the Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the Remediation Applicant.

**Section 888.135 Remediation Costs**

- a) Activities, materials, labor, equipment, structure, and service costs that may be approved by the Agency as remediation costs for the River Edge Redevelopment Zone Site Remediation Tax Credit under Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)] include, but are not limited to, the following:
- 1) Preparation of bid documents and contracts for procurement of contractors, subcontractors, analytical and testing laboratories, labor, services, and suppliers of equipment and materials;
  - 2) Engineering services performed in accordance with Section 58.6 of the Act and implementing regulations at 35 Ill. Adm. Code 740.235 and 740.405;
  - 3) Site assessment and remedial investigation activities conducted in accordance with 35 Ill. Adm. Code 740.410, 740.415, 740.420, and 740.430;

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- 4) Report or plan preparation conducted in accordance with 35 Ill. Adm. Code 740.425, 740.435, 740.445, 740.450, and 740.455;
- 5) Collection, analysis or measurement of site samples in accordance with 35 Ill. Adm. Code 740.415(d);
- 6) Groundwater monitoring well installation, operation, maintenance and construction materials;
- 7) Removal, excavation, consolidation, preparation, containerization, packaging, transportation, treatment or off-site disposal of wastes, environmental media (e.g., soils, sediments, groundwater, surface water, debris), containers or equipment contaminated with regulated substances or pesticides at concentrations exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with 35 Ill. Adm. Code 740.445. Activities must be in compliance with all applicable state or federal statutes and regulations;
- 8) Clean backfill materials in quantities necessary to replace soils excavated and disposed of off-site that were contaminated with regulated substances or pesticides at levels exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with 35 Ill. Adm. Code 740.445;
- 9) Transportation, preparation and placement of clean backfill materials pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
- 10) Design, testing, permitting, construction, monitoring, and maintenance of on-site treatment systems pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
- 11) Engineering costs associated with preparation of a budget plan in accordance with Section 888.115 of this Part or an application for review of remediation costs in accordance with Section 888.120 of this Part if prepared before the issuance of the No Further Remediation Letter (by the Agency or by operation of law);

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- 12) Removal or replacement of concrete, asphalt or paving to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
  - 13) Clay, soil, concrete, asphalt or other appropriate materials as a cap, barrier or cover to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
  - 14) Placement of clay, soil, concrete, asphalt or other appropriate materials as a cap, barrier or cover to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
  - 15) Destruction or dismantling and reassembly of above-grade structures to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
  - 16) Costs associated with obtaining a special waste generator identification number, not to exceed \$100.
- b) A Remediation Applicant may submit a request for review of remediation costs that includes an itemized accounting and documentation of costs associated with activities, materials, labor, equipment, structures, or services not identified in subsection (a) of this Section if the Remediation Applicant submits detailed information demonstrating that those items are necessary for compliance with 35 Ill. Adm. Code 740, 35 Ill. Adm. Code 742, and the approved Remedial Action Plan.

**Section 888.140 Ineligible Costs**

Costs ineligible for the River Edge Redevelopment Zone Site Remediation Tax Credit under Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)] include, but are not limited to, the following:

- a) Costs not incurred by the Remediation Applicant;

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- b) Costs incurred for activities, materials, labor, or services relative to remediation at a site other than the site for which the No Further Remediation Letter was issued;
- c) Costs for remediating a release or substantial threat of a release of regulated substances or pesticides that was caused or contributed to in any material respect by the Remediation Applicant, any related party (as described in Section 201(n) of the Illinois Income Tax Act [35 ILCS 5/201(n)]), or any person whose tax attributes the Remediation Applicant has succeeded to under section 381 of the Internal Revenue Code;
- d) Costs incurred before January 1, 2007, or more than 12 months before enrollment of the site in the Site Remediation Program, or after the date of issuance of a No Further Remediation Letter issued pursuant to Section 58.10 of the Act and 35 Ill. Adm. Code 740;
- e) Costs associated with material improvements to the extent that such improvements are not necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
- f) Costs or losses resulting from business interruption;
- g) Costs incurred as a result of vandalism, theft, negligence, or fraudulent activity by the Remediation Applicant or the agent of the Remediation Applicant;
- h) Costs incurred as a result of negligence in the practice of professional engineering as defined in Section 4 of the Professional Engineering Practice Act of 1989 [225 ILCS 325/4];
- i) Costs incurred as a result of negligence by any contractor, subcontractor, or other person providing remediation services at the site;
- j) Costs associated with replacement of above-grade structures destroyed or damaged during remediation activities to the extent destruction or damage and the replacement is not necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with 35 Ill. Adm. Code 740.450;
- k) Attorney fees;

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- l) Purchase costs of non-consumable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of such materials, supplies, equipment, or tools;
- m) Costs for repairs or replacement of equipment or tools due to neglect, improper or inadequate maintenance, improper use, loss, or theft;
- n) Costs associated with activities that violate any provision of the Act or Board, Agency or Illinois Department of Transportation regulations;
- o) Costs associated with improperly installed or maintained groundwater monitoring wells;
- p) Costs associated with unnecessary, irrelevant, or improperly conducted activities, including, but not limited to, data collection, testing, measurement, reporting, analysis, modeling, risk assessment, or sample collection, transportation, measurement, analysis, or testing;
- q) Stand-by or demurrage costs;
- r) Interest or finance costs charged as direct costs;
- s) Insurance costs charged as direct costs;
- t) Indirect costs for personnel, labor, materials, services, or equipment charged as direct costs;
- u) Costs associated with landscaping, vegetative cover, trees, shrubs, and aesthetic considerations;
- v) Costs associated with activities, materials, labor, equipment, structures, or services to the extent they are not necessary for compliance with 35 Ill. Adm. Code 740, 35 Ill. Adm. Code 742, and the approved Remedial Action Plan;
- w) Costs determined to be incorrect as a result of a mathematical, billing, or accounting error;
- x) Costs that are not adequately documented;

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- y) Costs that are determined to be unreasonable ;
- z) Costs associated with investigative action, preventive action, corrective action, or enforcement action taken by the State of Illinois if the owner or operator failed, without sufficient cause, to respond to a release or substantial threat of a release upon, or in accordance with, a notice issued by the Agency pursuant to 35 Ill. Adm. Code 734.125 and Section 57.12 of the Act;
- aa) Costs related to activities, materials, or services not necessary to stop, minimize, eliminate, or clean up a release or its effects in accordance with the minimum requirements of the Act and regulations;
- bb) Costs for activities and related services or materials that are unnecessary, inconsistent with generally accepted engineering practices or principles of professional geology, or unreasonable costs for justifiable activities, materials, or services;
- cc) Handling charges for subcontractor costs that have been billed directly to the Remediation Applicant;
- dd) Handling charges for subcontractor costs when the contractor has not submitted proof of payment of the subcontractor costs;
- ee) Costs associated with oversight by a Remediation Applicant or a Remediation Applicant's authorized agent;
- ff) Handling charges charged by persons other than the Remediation Applicant's primary contractor;
- gg) The treatment or disposal of soil that does not exceed the applicable remediation objectives for the release;
- hh) Costs associated with the removal or abandonment of a potable water supply well, or the replacement of such a well or connection to a public water supply;
- ii) Costs associated with the repair or replacement of potable water supply lines;

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- jj) Costs associated with the replacement of underground structures or utilities, including but not limited to septic tanks, utility vaults, sewer lines, electrical lines, telephone lines, cable lines, or water supply lines;
- kk) Costs associated with the maintenance, repair, or replacement of leased or subcontracted equipment;
- ll) Costs associated with corrective action to achieve remediation objectives that are more stringent than Tier 2 remediation objectives developed in accordance with 35 Ill. Adm. Code 742.
- mm) Costs associated with groundwater remediation if a groundwater ordinance already approved by the Agency for use as an institutional control in accordance with 35 Ill. Adm. Code 742 can be used as an institutional control for the release being remediated.

## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.71      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. 12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking affects Human Capital Development. This rulemaking is necessary to comply with Food and Nutrition Service regulations. In accordance with provisions at 7 CFR 273.1(a), an absent child is not considered a member of the household. As a result of this rulemaking, TANF/Food Stamp households will not receive food stamp benefits for a child who is not living in the home.
- 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>
121.23	Amendment	31 Ill. Reg. 10446; 7/20/07
121.24	Amendment	31 Ill. Reg. 10446; 7/20/07
121.26	Amendment	31 Ill. Reg. 10446; 7/20/07
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

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within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

## Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## DEPARTMENT OF HUMAN SERVICES

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## Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

## DEPARTMENT OF HUMAN SERVICES

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: HOUSEHOLD CONCEPT

**Section 121.71 Living Arrangement**

~~Except for children who receive AFDC cash assistance, All~~ individuals receiving food stamps in the same case must reside together. ~~Children who receive AFDC cash assistance but do not reside with the caretaker relative full time must remain in the same food stamp case as the caretaker relative.~~

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## 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: 100.2110                      Proposed Action: Amendment
- 4) Statutory Authority: IITA Sections 201(f) and 1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the guidance provided for taxpayers claiming the credit for business assets used in an enterprise zone to reflect the provisions of Public Act 94-1021, which expanded the credit to apply to assets used in a river edge redevelopment zone.
- 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	31 Ill. Reg. 12296; 8/24/07
100.2185	Amendment	31 Ill. Reg. 12449; 8/31/07
100.7110	Amendment	31 Ill. Reg. 12670; 9/7/07
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton  
Deputy General Counsel - Income Tax

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Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance necessary for small businesses that qualify for the expanded credit for business assets used in a river edge redevelopment zone.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendment 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 <a href="#">and River Edge Redevelopment Zone</a> (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)
100.2195	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 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

## DEPARTMENT OF REVENUE

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## 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
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

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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	
100.2410	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 Companies
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	
100.2580	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

Section	
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)

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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  
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)  
100.3380 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 (IITA Section 304(c))  
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART M: ACCOUNTING

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## 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

## 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 for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## 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

## DEPARTMENT OF REVENUE

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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)
100.7040	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)
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## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)

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- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: 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 V: NOTICE AND DEMAND

## Section

- 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

## Section

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

## SUBPART X: 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 Y: 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)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

## Section

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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 AA: JUDICIAL REVIEW

Section	
100.9600	Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

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

## SUBPART CC: LETTER RULING PROCEDURES

Section	
100.9800	Letter Ruling Procedures

## SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program
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

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].

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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 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

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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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

**Section 100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))**

- a) A taxpayer shall be allowed a credit against the tax imposed by IITA ~~Section~~~~Sections~~ 201(a) and (b) for investment in qualified property ~~which is~~ placed in service in an enterprise zone ~~Enterprise Zone~~ created pursuant to the Illinois Enterprise Zone Act [20 ILCS 655] or for qualified property placed in service on or after July 1, 2006 in a river edge redevelopment zone established pursuant to the River Edge Redevelopment Zone Act [65 ILCS 115]. ~~The credit is reported on Schedules 1299 A, C, or D. Recapture (see subsection (g) below) is computed on Schedule 4255.~~
- b) For partners and shareholders of Subchapter S corporations, there shall be allowed an enterprise zone or river edge redevelopment zone investment credit to be determined in accordance with the determination of income and distributive share

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of income under ~~sections~~Sections 702 and 704 and ~~subchapter~~Subchapter S of the Internal Revenue Code.

- c) The credit shall be .5% of the basis for ~~such~~ property in a zone.
- d) The credit shall be available only in the taxable year in which the property is placed in service in the enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by IITA ~~section~~Sections 201(a) and (b) below zero.
- 1) Qualifying property shall be considered placed in service in an Illinois enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ on the date on which the property is placed in a condition or state of readiness and availability for a specifically assigned function.
  - 2) Property that is disposed of, is moved out of the enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~, or ~~which~~ ceases to qualify for any other reason during the same taxable year it was placed in service in an enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ will not be considered in computing the credit for the taxable year.
  - 3) The credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the original liability or the liability as later amended, ~~the~~~~such~~ excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year.
  - 4) The credit shall be applied to the earliest year for which there is a liability.
  - 5) If there is credit for more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.
- e) The term "qualified property" means property ~~that~~~~which~~ is:
- 1) tangible, whether new or used. The terms "new" and ~~or~~ "used" shall have their commonly ascribed meanings. Buildings and structural components of buildings may be qualified property. The term tangible property generally includes:

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- A) objects or things that are physically capable of being touched and seen and over which a person may assert rights of ownership.
- B) personalty or realty, which may consist of such items as buildings, component parts of buildings, machinery, equipment and vehicles.
- C) ~~items~~Items such as stock certificates, bonds, notes and the like are not tangible personal property. While the certificate or paper may be tangible, the item itself, the share of ownership of a corporation or the promise to pay, is an intangible that is memorialized by the paper.
- 2) depreciable pursuant to IRC ~~section~~Section 167, except that 3-year property as defined in IRC ~~section~~Section 168(c)(2)(A) is not eligible for the credit.
- A) Depreciable property is property used in the trade or business of a taxpayer, or held for production of income, ~~that~~which is subject to wear and tear, exhaustion, or obsolescence.
- B) Property that is depreciated under the Modified Accelerated Cost Recovery System (~~MACRS~~MARCS), as provided by ~~IRC section~~Section 168 ~~of the Internal Revenue Code~~, is considered depreciable pursuant to ~~IRC section~~Section 167 for purposes of the ~~enterprise zone or river edge redevelopment zone~~ Enterprise Zone Investment Credit.
- C) Examples of tangible property that is not depreciable include land, inventories or stock-in-trade, natural resources, and coin or currency.
- D) The provisions of ~~IRC section~~Internal Revenue Code Section 1.167(a)-4 will be utilized in making determinations as to whether particular leasehold improvements are depreciable.
- E) IRC section 179 allows taxpayers, under certain circumstances, to expense a designated dollar amount of equipment purchased in a single tax year. Based on this provision, if the total cost of the

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property was equal to or less than the amount specified under IRC section 179, the taxpayer has the option of expensing the cost all in one year as a depreciation expense. While the property does have a useful life of four or more years, since the election was made to completely expense the cost of the property in one year, the property has no federal depreciable basis and does not have a basis upon which to compute the Illinois investment tax credit. Property not fully expensed under section 179 would qualify for the credit based on the cost of the depreciable property reduced by the section 179 deduction.

- 3) acquired by purchase as defined in IRC ~~section~~Section 179(d).
- A) A purchase is any acquisition of property except:
- i) an acquisition from a person whose relationship to the acquiring person is such that a resulting loss would be disallowed under IRC ~~section~~Sections 267 or 707(b);
  - ii) an acquisition by one component member of a controlled group from another component member of the group;
  - iii) an acquisition of property if the basis of the property in the hands of the person acquiring it is determined in whole or in part by its adjusted basis in the hands of the person from whom the property was acquired; or
  - iv) an acquisition of property, the basis of which is determined under IRC ~~section~~Section 1014(a). IRC ~~section~~Section 1014(a) covers property received from a decedent. Property acquired by bequest or demise is not acquired by purchase.
- B) For purposes of determining whether property is acquired by purchase as defined by IRC ~~section~~Section 179(d), the family of an individual includes only his ~~or her~~ spouse and ancestral and lineal descendants of the individual and his ~~or her~~ spouse.
- C) For purposes of determining whether property is acquired by

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purchase only, a controlled group has the same meaning as in IRC ~~section~~Section 1563(a), except stock ownership of only 50% or more is required (~~also see 26 CFR~~Also See IRS Regulation Section 1.179-4).

- D) Property that the taxpayer constructs, reconstructs or erects is generally considered acquired by purchase.
- 4) used in the enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ by the taxpayer.
- A) The term "used in an Illinois enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~" means that the property for which the credit is being claimed is physically located within the boundaries of an Illinois enterprise zone ~~Enterprise Zone~~ certified by the Illinois Department of Commerce and Economic Opportunity or river edge redevelopment zone established pursuant to the River Edge Redevelopment Zone Act ~~Community Affairs~~ from the time it is placed in service and while it is being utilized by the taxpayer claiming the credit in that taxpayer's business operation.
- i) Storage of property in an enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ will not constitute use. The taxpayer must make use of, convert to its service, avail itself of, or employ the property in the enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ in order to demonstrate use of the property in the enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~.
- ii) Aa lessor may claim the credit for otherwise qualified property if the property is physically located in an Illinois enterprise zone or river edge redevelopment zone ~~Enterprise Zone~~ from the time it is placed in service and all other conditions of eligibility for the credit are met.
- iii) Aa lessee of tangible property may never claim the credit because a lessee has not acquired the property by purchase.

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- B) Mobile property, such as vehicles, must be used predominantly in an Illinois [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~ in order to qualify for the credit.
- i) Removal of such property from the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~ for a temporary or transitory purpose will not disqualify the property so long as it continues to be used predominantly in the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~.
- ii) Mobile property is considered to be predominantly used in an ~~Enterprise~~ [enterprise](#) zone [or river edge redevelopment zone](#) if usage in the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~ exceeds usage outside of the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~.
- 5) not property that has been previously used in Illinois in such a manner and by such a person as would qualify for the credit.
- A) Generally, used property will not qualify for the credit if it was previously used in Illinois in such a manner that it could have qualified for the credit.
- B) However, property that would otherwise qualify for the credit will not be disqualified because it was previously used in Illinois in such a manner that it could have qualified for the credit, if that use pre-dated the effective date of the law that established the credit.

EXAMPLE 1: Corporation A purchases a used pickup truck for use in its manufacturing business in Illinois from an Illinois resident who used the truck for personal purposes in Illinois. If the truck meets all other requirements for the credit, it will not be disqualified because it has been previously used in Illinois for a non-qualifying purpose.

EXAMPLE 2: Corporation A purchases a used pickup truck from Corporation B. Corporation B used the truck in its business in a qualifying manner and could have claimed the credit for the truck, but did

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not. Corporation A may not claim the credit for the truck because the truck has been previously used in Illinois in such a manner that it could have qualified for the credit.

- f) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes. If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~ by the taxpayer, the amount of ~~the such~~ increase shall be deemed property placed in service on the date of ~~the such~~ increase in basis.
- g) If, during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~ within 48 months after being placed in service, the tax imposed under IITA ~~section~~~~Sections~~ 201(a) and (b) for ~~the such~~ taxable year shall be increased.
- 1) Any property disposed of by the taxpayer within 48 months after being placed in service ceases to qualify.
- A) A taxpayer disposes of property when he ~~or she~~ sells the property, exchanges or trades-in worn-out property for new property, abandons the property or retires it from use.
- B) Property destroyed by casualty, stolen, or transferred as a gift is disposed of property.
- C) Property that is mortgaged or used as security for a loan is not disposed of property, provided that the taxpayer continues to use the property in its business within an Illinois [enterprise zone or river edge redevelopment zone](#) ~~Enterprise Zone~~.
- D) Property transferred to a trustee in bankruptcy is considered disposed of property.
- E) A transfer of property by foreclosure is a disposition of property.
- F) A reduction in the basis of qualified property resulting from a

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redetermination of the purchase price of the property is a disposition of property to the extent of ~~the such~~ reduction in basis in the year in which the reduction takes place. For example, this would occur when property is purchased and placed in service in one year, and in a later year the taxpayer receives a refund of a portion of the original purchase price.

- 2) Any property converted to personal use ceases to qualify for the credit.
- 3) The increase in tax shall be determined by:
  - A) recomputing the investment credit ~~that which~~ would have been allowed for the year in which credit for ~~the such~~ property was originally allowed by eliminating ~~the such~~ property from ~~the such~~ computation, and
  - B) subtracting ~~the such~~ computed credit from the amount of credit previously allowed. The difference between the recomputed credit and the credit actually claimed is added to the income tax for the year in which the property ceased to qualify or was moved outside of the ~~enterprise zone or river edge redevelopment zone Enterprise Zone~~.

EXAMPLE: In ~~2007~~1985, Corporation A places qualifying property with a basis of \$55,000 into service in an ~~enterprise zone or river edge redevelopment zone Enterprise Zone~~ located in Illinois and computes a Section 201(f) ~~enterprise zone or river edge redevelopment zone Enterprise Zone~~ Investment Tax Credit of \$275.00 ( $\$55,000 \times .5\%$ ). Corporation A's ~~2007~~1985 income tax liability is \$420. After the application of the credit, Corporation A has remaining income tax liability of \$145. In the following year, Corporation A moved a qualifying asset having a basis in ~~2007~~1985 of \$5,000 from the ~~enterprise zone or river edge redevelopment zone Enterprise Zone~~ to another location in Illinois. As a result, Corporation A is required to recapture a portion of the ~~enterprise zone or river edge redevelopment zone Enterprise Zone~~ Investment Credit that was applied against its ~~2007~~1985 income tax liability. In order to determine its additional income tax for ~~2008~~1986, Corporation A must recompute its ~~2007~~1985 ~~enterprise zone Enterprise Zone~~ Investment Tax Credit by eliminating the disqualified property

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(\$55,000 - \$5,000 x .5% = \$250). This recomputed credit is subtracted from the ~~enterprise zone~~ Enterprise-Zone Investment Tax Credit actually used in 1985 (\$260 - \$250 = \$10), and the difference is added to Corporation A's ~~2008~~1986 income tax after application of the Investment Tax Credit~~1986 investment credit~~.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3) Section Number: 550.30                      Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) Effective Date of Amendment: August 30, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 27, 2007; 31 Ill. Reg. 6279
- 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: update the list of sites open for hunting and site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 550  
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE  
AND WOODCHUCK (GROUNDHOG) HUNTING

## Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

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

**SOURCE:** 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 12471, effective July 28, 2005; amended at 30 Ill. Reg. 12133, effective June 28, 2006; amended at 31 Ill. Reg. 13106, effective August 30, 2007.

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**Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department -Owned, -Leased or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

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

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Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

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

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

~~Falling Down Prairie~~

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

~~Falling Down Prairie~~

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff State Natural Area

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

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kankakee River State Park (coyote, fox, skunk and opossum may be taken

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during their respective seasons that fall within the archery deer season by archery only; shotgun only hunting opens the day after the close of the site upland game season or archery deer season, whichever is later, and closes with the close of the statewide fox season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox closes first Thursday after January 10; coyote open to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season; hunting hours are 30 minutes before sunrise until sunset; 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)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mazonia State Fish and Wildlife Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at the check station)

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

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Momence Wetlands State Natural Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

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Moraine View State Park (archery only; coyote only; season runs concurrently with site archery deer season)

Oakford Conservation Area

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

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

Skinner Farm State Habitat Area

Spoon River State Forest (all hunters must sign-in/sign-out)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Walnut Point State Park (sign-in/sign-out required; raccoon hunting only)

Washington County Conservation Area

Weinberg-King State Park (c) (d)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Weinberg-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed)

Weinberg-King State Park - Spunky Bottoms Unit

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery deer season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Beaver Dam State Park (bow and arrow only)

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

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

Des Plaines State Fish and Wildlife Area (coyote only, no dogs allowed; season opens the day after archery deer season closes and ends February 28; shotgun with shotshells only; site permit required)

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Horseshoe Lake State Park (Madison County) (coyote only, bow and arrow only)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (shotgun and bow and arrow only)

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

## DEPARTMENT OF NATURAL RESOURCES

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Matthiessen State Park (season closed during the site firearm or muzzleloader deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed)

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

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens the second Monday in December; night hunting only; [raccoon only](#))

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central

## DEPARTMENT OF NATURAL RESOURCES

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zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 31 Ill. Reg. 13106, effective August 30, 2007)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Number: 570.40                      Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]
- 5) Effective Date of Amendment: August 30, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 27, 2007; 31 Ill. Reg. 6290
- 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: update the list of sites open for hunting and the site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

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

## PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,  
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND  
WOODCHUCK (GROUNDHOG) TRAPPING

## Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. 13117, effective August 30, 2007.

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**Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites**

- a) General Regulations
- 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
  - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
  - 3) Trappers must stay within assigned areas.
  - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
  - 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
  - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
  - 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
  - 8) No trapping is permitted in subimpoundments or designated waterfowl

## DEPARTMENT OF NATURAL RESOURCES

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management units during duck season.

- 9) .22 caliber or smaller rimfire firearms permitted unless otherwise specified.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24 ([no trapping on U.S. Fish and Wildlife Service National Wildlife Refuges in Pools 21, 22 and 24](#))

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

Weinberg-King State Park - Scripps Unit (site permit required)

Weinberg-King State Park - Spunky Bottoms Unit (site permit required)

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

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

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## NOTICE OF ADOPTED AMENDMENT

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kickapoo State Recreation Area

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville - Kaskaskia and West Okaw Management Areas (no more than 50 traps may be used per permit)

## DEPARTMENT OF NATURAL RESOURCES

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Lowden State Park - Kilbuck Creek Habitat Area

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

Mermet Lake Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Moraine View State Park (no more than 2 persons may enter drawing on a single card)

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

~~Redwing Slough/Deer Lake State Natural Area (water sets only; only body-gripping traps with a jaw spread of 5-6 inches or less may be used)~~

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

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## NOTICE OF ADOPTED AMENDMENT

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

Dog Island Wildlife Management Area

Giant City State Park

Hanover Bluff State Natural Area (water sets only)

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Hidden Springs State Forest

Horseshoe Lake State Park – Madison County

Horseshoe Lake State Park (Gabaret, Mosenthein and Chouteau Island

## DEPARTMENT OF NATURAL RESOURCES

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## Units (Madison County))

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

Johnson-Sauk Trail State Park (no foothold water sets)

Jubilee College State Park

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed)

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Morrison Rockwood State Park

Pekin Lake State Fish and Wildlife Area (water sets only)

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be

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submerged)

Ramsey Lake State Park

Red Hills State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

Sahara Woods State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spoon River State Forest

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

Weldon Springs State Park (permit required by site drawing)

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

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## NOTICE OF ADOPTED AMENDMENT

- 1) All regulations shall be according to species regulations as provided for in this Part.
  - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
  - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 31 Ill. Reg. 13117, effective August 30, 2007)

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## NOTICE OF ADOPTED AMENDMENTS

- 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>
590.10	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]
- 5) Effective Date of Amendments: August 30, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 27, 2007; 31 Ill. Reg. 6301
- 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update: the list of lawful non-toxic shot by using most recent pellet trade names, the lists of sites open for hunting and the site-specific regulations.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

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, 3.8, and 3.10 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, 3.8, and 3.10] 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; peremptory 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

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February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency 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.

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13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007.

**Section 590.10 Statewide Regulations**

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal Migratory Bird Treaty Act (16 USC 703-711), the Migratory Bird Hunting Stamp Act (16 USC 1718 et seq.), and annual Rules and Regulations for Migratory Bird Hunting (50 CFR 20 (August 31, 2006) and 21 (September 22, 2006) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess, when attempting to take waterfowl, any shotgun shell loaded with a shot size larger than number T steel; number BBB bismuth-tin; Federal Ultrashok High Density; or Environ-Metal Hevi-Steel; number BB: Federal tungsten/iron, Kent tungsten/matrix (Impact), or Federal tungsten/polymer; number B: Environ-Metal Hevi-Shot, Remingtontungsten/bronze/iron (TBI), Wingmaster HD, Winchester Xtended Range Hi-Density, or Environ-Metal Dead Coyote; number 1: Silve or Environ-Metal Hevi-13; or number 3: Federal Heavyweight when attempting to take

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

**waterfowl.** Violation is a petty offense (see 520 ILCS 5/2.18-1).

- f) Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) Commercial Migratory Waterfowl Hunting Area Permits
  - 1) The holder of a permit shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
  - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
- i) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In Alexander, Union, Williamson and Jackson Counties, no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in Alexander, Union, Williamson and Jackson Counties shall close at statewide closing time. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520

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ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

- j) On any property where the principal waterfowl harvest is wild geese in Alexander, Union, Williamson and Jackson Counties, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).
- k) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- l) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 31 Ill. Reg. 13128, effective August 30, 2007)

**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 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~~previous years blind builders shall have until February 1 to salvage blind materials~~)
  - 2) Batchtown (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)

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- 3) Calhoun Point (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) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 5) Godar-Diamond (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 with the exclusion of Christmas Day; 3 year blind allocation)
- 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation 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 years blind builders shall have until February 1 to salvage blind materials~~)
- 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)

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- 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, 14 and 19 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 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 seasonall 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; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season)
- 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 15) William 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

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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)

- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
  - 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

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areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.

- 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., and except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
  - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
  - 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

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(Source: Amended at 31 Ill. Reg. 13128, effective August 30, 2007)

**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.

Anderson Lake 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 May 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 Wildlife Management Area (one year blind allocation)

Des Plaines River 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)

Double T State Fish and Wildlife Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the Central Zone goose season)

Fuller Lake (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 (3 year blind allocation period)

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

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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 (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4 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; for early teal season, hunting is from numbered blinds only, or if blinds have not been constructed, within 10 feet of the numbered stake; there is no early goose season in August or September)

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

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

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474);

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

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

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

Mississippi River Pools 21, 22, 24 (Federal Lands; [hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island \(river mile 332.5-340.5\), Pool 22 – west of Ward Island \(river mile 314.0-324.0\), Pool 24 – west of Denmark Island \(river mile 290.0-294.5\)](#)); 2 year blind allocation period)

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

Momence Wetlands (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 (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 only)

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

Redwing Slough/Deer Lake (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.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (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)

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~~season is~~ 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

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15; hunting from boat blinds is permitted within 10 feet of ~~staked~~marked 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~~marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first 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 Wildlife Area.
  - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.

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- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the no n-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
  - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
  - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area 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 waterfowl season through the day before waterfowl season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake

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

(Source: Amended at 31 Ill. Reg. 13128, effective August 30, 2007)

**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).
  - 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

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during the 7 days prior to the regular duck season unless otherwise posted at the site.

- b) Site specific regulations
- 1) Blanding Wildlife Area (federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)
  - 2) Boston Bay (no permanent blinds may be built; temporary blinds only; 200 yards apart)
  - 3) Cache River State Natural Area (1)
  - 4) Campbell Pond Wildlife Management Area (1)
  - 5) Cape Bend State Fish and Wildlife Area (1) |
  - 6)5) Carlyle Lake Project Lands and Waters |
    - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
    - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
    - C) Walk-in hunting shall be permitted in subimpoundment areas.

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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 and during any goose seasons that occur after 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

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report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.

- iii) Decoys shall not be left out unattended.
- iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.

~~7)6)~~ Chauncey Marsh (1) |  
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

~~8)7)~~ Clinton Lake (1) |

- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
- B) Except as described in subsections (b)(7)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.

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- D) Hunting is permitted from permanent land-based Disabled Hunting Program 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, 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.

9)8) Coffeen Lake State Fish and Wildlife Area |

- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.
- C) No permanent blinds.
- D) Hunting by boat access only.
- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.

10)9) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1) |

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- ~~11)10)~~ Devil's Island State Fish and Wildlife Area (1) |
- ~~12)11)~~ Dog Island Wildlife Management Area (1) |  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- ~~13)12)~~ Donnelley State Wildlife Area |
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- 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

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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).

~~14)13)~~ Fort de Chartres Historic Site (1) |

- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.

~~15)14)~~ Fox Ridge State Park (1) |  
Hunting restricted to Embarras River and its flood waters.

~~16)15)~~ 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

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Sections of this Part being applicable.

~~17)16)~~ Fox River – Chain of Lakes (Lake and McHenry Counties) (1) |  
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

~~18)17)~~ Freeman Mine |  
Hunting regulations will be publicly announced.

~~19)18)~~ Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area |  
and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- 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

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station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

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

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- ~~20)19)~~ Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)
- ~~21)20)~~ 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.
- ~~22)21)~~ Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- ~~23)22)~~ Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (site permit required)
- ~~24)23)~~ Kaskaskia River Fish and Wildlife Area (the last 3 days of both the duck season and the regular Canada goose season (1))
- 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:

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- i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
- ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
- iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at 4:30 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, and only one hunting party may occupy a staked site at any given time. 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.
- iv) ~~A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting~~

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~~party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.~~

- 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.

~~25)24)~~ Kickapoo State Recreation Area

- A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.
- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
- C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
- D) Each hunting party must hunt over a minimum of 12 decoys.
- E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- F) Hunting from staked sites only. Hunting must be within 10 feet of

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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.

~~26)25)~~ Kinkaid Lake Fish & Wildlife Area (1) |

~~27)26)~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area |

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday 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.

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- 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 subsections (b)(26)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois Southern Zone duck season, except as noted in subsections (b)(25)(A) and (B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are 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 is 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 his hunting privileges at this site for the following year.

~~28)27)~~ Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

- A) On days open to hunting, blind or staked sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area

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(MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.

- B) Blinds or staked sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.
- C) All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.
- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
- E) No hunting on Monday, Wednesday, or Friday.

~~29)28)~~ Mermet

- A) Waterfowl hunting shall be permitted during duck season only.
- B) Hunting is allowed in the walk-in and blind areas only.
- C) No fishing on the area during duck season.
- D) Hunting hours are from legal opening until 3:30 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- E) 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.
- F) Blind sites shall be allocated on a daily drawing basis at the

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manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). All hunters are required to deposit their hunting licenses before entering the areas. Those persons exempted by law from having a hunting license shall deposit their Firearm Owner's Identification Card.

- G) 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 at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- H) Upon allocation of blinds, all hunting parties/hunters must accept and hunt the blind chosen, or reject the allocation of the blind immediately. All those rejecting the allocation of a blind shall be ineligible to hunt within the blind area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind per day. Blinds not selected during the main drawing shall be allocated on a first-come first-served basis. No blinds will be allocated after 1:00 p.m., except the last 3 days of duck season when no allocation will be allowed after 3:00 p.m.
- I) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- J) All hunting parties are required to report to the check station immediately after vacating their blind/hunting area and/or no later than 4:00 p.m. At that time, waterfowl harvested must be checked in and displayed to the check station operator. Only then will the hunting license be returned to the hunter.
- K) All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.

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- L) Within the blind area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- M) 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.
- N) All hunting must be conducted from the allocated blind. Hunting outside of allocated blinds is not permitted, except within the walk-in areas.
- O) Attempts to claim a blind 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 shall not be considered legal occupation of a blind.
- P) 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.
- Q) Claiming or attempting to claim any blind that is legally occupied and/or harassing, in any manner, the occupants of a blind that is legally occupied is unlawful.
- R) Boats without motors may be used within the walk-in areas.

30)29) Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m.

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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.
- 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.

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- 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.

~~31)30)~~ Oakford Conservation Area (1) |

~~32)31)~~ Pyramid State Park – Captain Unit |

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group not to exceed 4 names per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards

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of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private property boundary.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and staked locations will be closed to hunting on December 25.

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33)32) Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from

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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 waterfowl daily drawing and staked locations will be closed to hunting on December 25.

~~34)33)~~ Pyramid State Park – East Conant Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every

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Canada goose allowed in the daily bag.

- G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

35)34) Pyramid State Park – Galum Unit

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

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harvest on site hunting permit by February 15.

- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 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 waterfowl daily drawing and staked locations will be closed to hunting on December 25.

~~36)35)~~ Ray Norbut State Fish and Wildlife Area (1) |

~~37)36)~~ 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, and during any goose season occurring after 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

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boundary, or within 100 yards of any private property boundary.

- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of 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, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, ~~and~~ Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
  - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
  - iii) All hunters must have the registration card from the check station in their possession while hunting.
  - iv) Hunting parties can only hunt from the pit location that they chose in that day's drawing. No moving to or hunting from any other pit location is allowed. Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party

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~~who has registered at the check station may occupy the unclaimed pit.~~

- 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 and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
  - vi) Bounded on Nason Point by refuge boundary signs at project limits.

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- 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 ~~and only one hunting party may occupy a staked site at any given time.~~
  - 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. ~~Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.~~
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
  - iv) ~~Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m.~~ 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

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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. When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- 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.

38)37) Sahara Woods State Fish and Wildlife Area (1)

39)38) Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

40)39) 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.

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- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

41)40) Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check

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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.

~~42)41)~~ Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for

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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)(41)(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.
- 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

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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 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.

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- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.
- ~~43)42)~~ Shawnee National Forest, Upper and Lower Bluff Lakes |  
Goose hunting is prohibited at Lower Bluff Lake.
- ~~44)43)~~ Shawnee National Forest, LaRue Scatters |  
All hunting must be by walking in or in boats without motors.
- ~~45)44)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west |  
of the Big Muddy levee)
- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- ~~46)45)~~ Sielbeck Forest Natural Area (1) |
- ~~47)46)~~ Stephen A. Forbes State Park |

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- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come- first served basis. All hunters must use 12 decoys, minimum.

~~48)47)~~ Ten Mile Creek Fish and Wildlife Area (1) |

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~49)48)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1) |

~~50)49)~~ Union County (Firing Line Waterfowl Management Area) |

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and

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

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

~~51)50)~~ Weinberg-King State Park – Spunky Bottoms Unit (no access restrictions; sign in/sign out required) (1) |

(Source: Amended at 31 Ill. Reg. 13128, effective August 30, 2007)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.20	Amendment
680.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: August 30, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 1, 2007; 31 Ill. Reg. 7487
- 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to: allow hunters with unfilled youth deer permits valid for the previous season to use the permits during the late-winter deer season; allow hunters with unfilled special hunt area permits for the previous firearm, muzzleloader or youth deer season that were issued for special hunt areas to use their permit under certain circumstances; add language clarifying legal

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firearms which may be used by hunters using unfilled youth deer permits.

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

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

217/782-1809

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

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## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 680

## LATE-WINTER DEER HUNTING SEASON

## Section

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

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

**SOURCE:** Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007.

**Section 680.20 Statewide Deer Permit Requirements**

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

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muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, ~~or muzzleloader~~ or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:
  - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or
  - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
- 2) Sites conducting a daily site lottery will be announced publicly. Unfilled firearm or muzzleloader deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Deer Season. For permit applications and other information write to:

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

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person, mail-in and electronic applications shall receive equal treatment in the drawings.

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- d) Each applicant must apply using the official agency Late-Winter Deer Permit Application, and must complete all portions of the form.
- e) For the applicant to be eligible to receive a Late-Winter Deer Permit (\$15), he must be an Illinois resident and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- f) It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer season.
- g) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- h) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- i) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- j) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- k) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 31 Ill. Reg. 13180, effective August 30, 2007)

**Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting**

- a) The only legal firearms to take, or attempt to take, deer are:
  - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

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- 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
  - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
  - 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
  - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
  - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved

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blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.

- 3) Percussion caps, wheel lock, matchlock or flint type ignition only may be used.
  - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- d) Hunters using unfilled muzzleloader deer permits may only use muzzleloading rifles as specified in subsection ~~Section 680.40~~(a)(2). Hunters using unfilled firearm deer permits, or Late-Winter Deer Season Permits, may use all firearms specified in subsection (a). Hunters using unfilled youth deer permits may only use shotguns or muzzleloaders as specified in subsections (a)(1) and (a)(2).
- e) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 31 Ill. Reg. 13180, effective August 30, 2007)

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- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
830.5	Amendment
830.10	Amendment
830.13	New Section
830.20	Amendment
830.30	Amendment
830.60	Amendment
830.70	Amendment
830.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5]
- 5) Effective Date of Amendments: August 30, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 13, 2007; 31 Ill. Reg. 5737
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 830.30(e)(2) – underscored language was added:

Trammel and gill nets must be attended at least every 24 hours during open water conditions, except when operating under a Commercial Roe Harvester Permit. When operating and taking or possessing roe-bearing species, nets must be

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attended from 9 a.m. to 4 p.m. CST and from 10 a.m. to 5 p.m. DST. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.

Section 830.70(f) – the following text was stricken:

~~All other mussels listed in 830.60(b), shall measure not less than 2.5 inches.~~

Section 830.90(e) – language was revised to read as follows:

Commercial roe dealers shall submit to the Department by the 5<sup>th</sup> of the month following harvest an accurate record containing the unprocessed and processed weights of roe purchased, the date of transaction and the name, address and license number of the commercial roe harvesters. These reports are required whether or not roe was purchased.

Additionally, non-substantive changes were made to this Part to correct spelling, punctuation and grammatical 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language to clarify definitions, regulations, water areas, species that may be taken, and size limits; add a new section on special regulations for the commercial harvest of roe-bearing species; and add regulations for monthly records submitted to the Department.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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 WILDLIFE

## PART 830

## COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

## Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
<a href="#">830.13</a>	<a href="#">Special Regulations for the Commercial Harvest of Roe-Bearing Species</a>
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

**AUTHORITY:** Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

**SOURCE:** Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13,

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2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007.

**Section 830.5 Definitions**

- a) A relic (dead) mussel shell is defined as one which apparently died of natural causes within the water and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.
- b) A legal size mussel for a particular species is defined as a mussel size as set out in Section 830.70 which will not pass through a minimum harvest size circle cutout in a metal plate.
- c) Basket dredge - mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in subsection (e).
- d) Hand dredge (hand rake, hand powered rake) - mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.
- e) Hand fork - mussel harvesting device similar in appearance to a common cornfork and utilized while wading.
- f) Mechanical devices - refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.
- g) Commercial fishing – includes the commercial harvest of both legal fish and legal crayfish.

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- h) Bar mesh measure - all net mesh measurements shall be determined by bar measure from the outside of one knot to the inside of the adjoining knot on the same thread or strand.

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.10 Waters Open to Commercial Harvest of Fish**

- a) Mississippi River and connected public (wholly accessible by boat)~~adjacent~~ backwaters, including that portion of the Kaskaskia River below the navigation lock and dam, except Quincy Bay, ~~including~~ Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).
- b) Illinois River and connected public (wholly accessible by boat)~~adjacent~~ backwaters from Route 89 highway bridge downstream, except for:
- 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
  - 2) Donnelly/Depue Fish and Wildlife Area;
  - 3) Rice Lake Complex, including all of Big Lake;
  - 4) Meredosia Lake in Cass and Morgan Counties during the central zone duck season; and
  - 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season.
- c) Wabash River.
- d) Embarras River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.

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- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline Counties.
- l) Ohio River.

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.13 Special Regulations for the Commercial Harvest of Roe-Bearing Species**

- a) Shovelnose sturgeon may not be commercially harvested except in the Mississippi River (excluding the area from Lock and Dam 19 to the State Highway 9 Bridge in Niota), the Ohio River or the Wabash River. Shovelnose sturgeon may only be commercially harvested from October 1 through May 31 inclusive.
- b) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and the Mississippi River below Lock and Dam 19.
- c) Shovelnose sturgeon X pallid sturgeon hybrids may not be commercially harvested from the Mississippi River downstream of Lock and Dam 26. Any sturgeon belonging to the genus Scaphirhynchus that contains any one of the three morphological characteristics listed below shall be considered shovelnose sturgeon X pallid sturgeon hybrid:
  - 1) belly completely lacking in scales;
  - 2) bases of outer barbels located slightly farther behind bases of inner barbels; or

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- 3) length of inner barbels going at least 6.3 times into length of head.
- d) All commercial roe harvesters engaged in harvesting of roe-bearing species, including shovelnose sturgeon, paddlefish and bowfin, shall:
- 1) leave the roe of harvested shovelnose sturgeon and bowfin whole, intact and inside the body cavity of the fish while on the water. However, the intact ovaries of paddlefish may be removed while on the water with the carcasses of the fish the ovary is harvested from being retained for identification purposes;
  - 2) after complete retrieval of fishing tackle, immediately remove all aquatic species that are not in compliance with size limits or are illegal species to take or possess and immediately return them without unnecessary injury to the waters from which taken. "Complete retrieval" means as soon as an individual piece of fishing tackle has been retrieved in whole to the fisherman's boat.
- e) Commercial Roe Permit
- 1) Commercial Roe Harvest Permits shall be valid only on the water specified on the permit: the Mississippi River, the Illinois River, the Ohio River or the Wabash River. The Mississippi River will be further divided into two zones, from Lock and Dam 26 upstream to the Wisconsin border (Northern Zone) and from Lock and Dam 26 downstream to the mouth of the Ohio River (Southern Zone).
    - A) Commercial fisherman who harvest shovelnose sturgeon under a Mississippi River, Southern Zone, commercial roe harvest permit will also be required to become certified by the Illinois Department of Natural Resources in their ability to discern between lake, shovelnose and pallid sturgeon.
    - B) Resident commercial fisherman will be allowed to procure permits for additional water bodies at no further charge, once their initial commercial roe harvest permit has been issued, based on availability.

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- 2) The IDNR shall have the authority to restrict the number of permits issued for each body of water in order to establish a limited entry fishery to maintain a sustainable fishery for all caviar-bearing species based on the following criteria:
  - A) The best biological information available pertaining to the size, structure and abundance of each population of roe-bearing species.
  - B) A determination of the potential impact of commercial fishing activities on other water-based recreational activities.
- 3) Application for permit (under a limited entry fishery)
  - A) Illinois resident commercial fishermen may apply for a commercial roe harvest permit in June of each year. A drawing will be held in July and successful applicants will be issued a permit.
  - B) Non-residents and Illinois residents who did not obtain a permit in the July drawing, or who desire permits for additional water bodies, may apply for a Commercial Roe Harvest Permit from the first business day in August until August 15. A second drawing will be held August 31, and successful applicants will be issued a permit.
- 4) Any commercial fisherman who is convicted of taking any of the species listed in 17 Ill. Adm. Code 1010.30(a) or (b) shall be ineligible to obtain a Commercial Roe Harvest Permit for a period of 36 months from the date of conviction.

(Source: Added at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons**

- a) Mississippi River and backwaters, April 1 to August 31 inclusive, except for the following areas:
  - 1) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing

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boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.

- 2) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).
  - 3) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).
  - 4) Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).
  - 5) All of the area southward of the center of the navigation channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.
  - 6) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).
  - 7) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 246.8 (Turner Landing light and daymark).
  - 8) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters.
- b) Ohio River and backwaters, April 1 to September 30 inclusive.

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- c) Illinois River, from the LaGrange Lock and Dam downstream to the confluence of the Mississippi and Illinois Rivers at Grafton, from July 15 through August 31 inclusive.

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.30 Special Regulations**

- a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the waters listed in Section 830.10, 830.15 or 830.20.
- b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of legal size as established by Section 830.70. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the mussel bed or location from which they were taken.
- c) It shall be illegal to possess mussel shell more than 15 days after the close of the season without a mussel dealer license.
- d) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 19.
- e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:
- 1) Hoop nets and basket traps must be attended at least once every ~~72~~<sup>7248</sup> hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
  - 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions, except when operating under a Commercial Roe Harvester Permit. When operating and taking or possessing roe-bearing species, nets must be attended from 9 a.m. to 4 p.m. CST and from 10 a.m. to 5 p.m. DST. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.

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- 3) Trotlines and other hook and line devices must be checked at least every 24 hours.
- 4) Seines and trammel or gill nets fished by driving or drifting methods must be constantly attended.
- 5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.
- f) Washboard mussels may not be taken on the Mississippi River.
- g) Crayfish may be taken by licensed commercial fishermen with legal seine only on waters open to the commercial harvest of crayfish. Nothing in this Part shall prohibit a licensed commercial fisherman from using as bait legal species of crayfish taken and used by a commercial fisherman on those bodies of water open to the commercial harvest of crayfish.
- h) In accordance with Section 830.60(b), crayfish may be possessed and used as bait by licensed commercial fishermen while operating commercial gear on other bodies.

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.60 Species**

- a) The following species of fish may be taken by licensed commercial fishermen:
  - 1) Common Carp and Black Carp
  - 2) Buffalo
  - 3) Freshwater drum
  - 4) Catfishes (includes bullheads)
  - 5) Paddlefish (only in waters specified in Section [830.13](#); [roe harvester permit required](#)) [830.30](#)
  - 6) Carpsuckers

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- 7) Suckers (except Longnose Sucker)
  - 8) Redhorses (except River Redhorse and Greater Redhorse)
  - 9) Goldeye and Mooneye
  - 10) Gar (except alligator gar)
  - 11) Bowfin (only in waters specified in Section 830.13; roe harvester permit required)
  - 12) American eel
  - 13) Shovelnose sturgeon (only in waters specified in Section 830.13; roe harvester permit required)
  - 14) Gizzard shad
  - 15) White amur (grass carp)
  - 16) Minnows
  - 17) Goldfish
  - 18) Bighead Carp and Silver Carp
- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.
- c) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megaloniaias nervosa*) (Ohio River Only)
  - 2) Threeridge (*Amblema plicata*)

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- 3) Mapleleaf (*Quadrula quadrula*)
- 4) ~~Pimpleback (*Quadrula pustulosa*)~~
- 5) ~~Monkeyface (*Quadrula metanevra*)~~
- 6) ~~Wartyback (*Quadrula nodulata*)~~
- 7) ~~Pigtoe (*Fusconaia flava forma undata*)~~
- 8) ~~Hickory Nut (*Obovaria olivaria*)~~
- 9) ~~Pink Heelsplitter (*Potamilus alatus*)~~
- 10) ~~Pocketbook (*Lampsilis ovata*)~~

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.70 Size Limit**

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken except in the Ohio River.
- b) No shovelnose sturgeon under 24 inches or over 32 inches in length may be taken from the Mississippi River or the Ohio River. No shovelnose sturgeon under 25 inches in length may be taken from the Wabash River. All shovelnose sturgeon shall be measured using fork length, defined as: "the length from the most anterior part of the fish to the tip of the median caudal fin rays" (from tip of the snout to the fork of the tail).
- c) ~~b)~~ There is no size limit on other species listed in Section 830.60(a).
- d) ~~e)~~ All ~~washboard~~ **Washboard** mussels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
- e) ~~d)~~ All mapleleaf mussels shall measure not less than 2.75 inches.

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- f)e) All ~~threeridge~~ ~~Threeridge~~ mussels shall measure not less than 3.0 inches.
- f) ~~All other mussels listed in 830.60(b), shall measure not less than 2.5 inches.~~

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

**Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements**

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters and this Part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of the Department of Natural Resources or his agents shall be considered a violation of this Part and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-35, 20-105].
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by January 31 of the following year, whether or not any fish and/or crayfish were harvested.
- d) Commercial roe harvesters shall submit an accurate monthly record containing the following information: the undressed weight of roe-bearing species, the unprocessed weight of roe from these fishes, and the name, address and date of sale to whom the roe was sold or given. This information shall be submitted to the Department by the 5<sup>th</sup> of the month following harvest. Submission of these reports is required whether or not roe-bearing species were harvested. ~~Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly~~

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~~record of the undressed weights and species of fish harvested by the 10<sup>th</sup> of each month following harvest, whether or not any fish were harvested.~~

- e) Commercial roe dealers shall submit to the Department by the 5<sup>th</sup> of the month following harvest an accurate record containing the unprocessed and processed weights of roe purchased, the date of transaction and the name, address and license number of the commercial roe harvesters. These reports are required whether or not roe was purchased.
- f)e) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10<sup>th</sup> of each month following harvest, whether or not any mussels or mussel shells were harvested. Reports must be submitted on official Department of Natural Resources report forms.
- g)f) Holders of a commercial mussel ~~dealers~~dealer's license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10<sup>th</sup> of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms.
- g) ~~Failure of licensed commercial mussel dealers, fishermen or musselors to submit the required reports in a manner and time frame specified by the Department is a Class B misdemeanor and shall be grounds for refusal on the part of the Department to issue those individuals a license until all required reports are received by the Department.~~

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

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- 1) Heading of the Part: Newborn Metabolic Screening and Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 661
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
661.10	Amended
661.15	Amended
661.20	Amended
661.30	Amended
661.35	Amended
661.40	Amended
661.50	Amended
661.70	Amended
- 4) Statutory Authority: Phenylketonuria Testing Act [410 ILCS 240]
- 5) Effective Date of Rulemaking: August 28, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: March 2, 2007; 31 Ill. Reg. 3442
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following change was made in response to comments received during the first notice or public comment period:

The second sentence in Section 661.20(c) was replaced with two sentences, as follows:  
"If an infant is transferred before a specimen is collected, it is the responsibility of the first facility to inform the second facility of this fact. It is then the responsibility of the second facility to collect and submit the specimen."

The following changes were made in response to comments and suggestions of JCAR:

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1. The following definition was deleted in Section 661.15: "CFF' means Cystic Fibrosis Foundation.".
2. A definition was added in Section 661.15 as follows: "Formula' means a medically prescribed treatment substance that has been designed to treat a specific metabolic disorder.".
3. In Section 661.30(h)(4), "for a six month period" was changed to "through February 2008"; "certified by the CFF" was deleted; "Evanston Hospital, St. Alexius Hospital," was added after "Foundation"; "(Peoria)" was added after "St. Francis Medical Center"; "Center" was added before "Springfield".
4. In Section 661.35(c), "and employment or affiliation with a major medical center or medical school setting." was stricken and a period was added after "country".
5. In Section 661.35(c)(8), "and an appointment" was deleted and "with at least one year post-training experience in diagnosis and treatment of children with CF." was added; "at a hospital based program accredited by the Cystic Fibrosis Foundation." was deleted; "in accordance with CF guidelines" was deleted.
6. In Section 661.50(a), the following was added after "Phenylketonuria": "and Hyperphenylalan inemia. The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development." The following was added after "required": "in order for a patient to receive treatment formulas from IDPH. The administration of treatment formulas"; "Dietary therapy" was stricken; the last two sentences in this subsection (a) were stricken.
7. In Section 661.50(b), "required" in the third line was stricken and "currently the standard treatment" was added. This change was also made in the second line of subsection (c), the third line of subsection (d), and the third line of subsection (f).
8. The following was added in the first line of Section 661.50(g) after "Disorders.": "The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development.".
9. The following was added in the second line of Section 661.50(g) after "required": "in order for a patient to receive treatment formulas from IDPH". The last two sentences of this subsection (g) were stricken.
10. In the first line of Section 661.50(h), "required" was changed to "highly recommended"; "required" in the third line was changed to "recommended" and "consultants" in the last sentence was changed to "a consultant"; "necessary" in the last sentence was changed to "recommended".

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In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments mandate testing of all infants born in Illinois for cystic fibrosis. Testing will occur as soon as possible after the infant is 24 hours of age. Collection of blood and submission of specimens in situations in which the infant is admitted to a neonatal intensive care unit, transferred to another health care facility, or requires a blood transfusion are addressed. Requirements for performing the screening procedure are included. Qualifications for the physician consultants who will be providing follow up for these infants are defined. New provisions for interpretations of screening results have been added, as well as a cystic fibrosis reporting requirement. Requirements for the administration of treatment formulas for Phenylketonuria have been amended and requirements for Hyperphenylalaninemia have been added. The fee collected for newborn screening will increase from \$47 to \$56 to cover the laboratory and follow up costs for cystic fibrosis testing. The Department will conduct a phase-in project for cystic fibrosis testing through February 2008.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761

e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)  
217/782-2043

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 661  
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

## Section

661.10	Responsibility
661.15	Definitions
661.20	Collection of Blood and Submission of Specimens
661.30	Interpretation of Results
661.35	Designation of Consultants
661.40	Reports
661.50	Diagnosis and Treatment
661.60	Exemption
661.70	Fee Assessment and Payment

**AUTHORITY:** Implementing and authorized by the Phenylketonuria Testing Act [410 ILCS 240].

**SOURCE:** Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. 3590, effective November 1, 1995; amended at 22 Ill. Reg. 20639, effective November 10, 1998; amended at 26 Ill. Reg. 10676, effective July 1, 2002; amended at 26 Ill. Reg. 18412, effective January 1, 2003; amended at 31 Ill. Reg. 13203, effective August 28, 2007.

**Section 661.10 Responsibility**

- a) The physician in attendance at or immediately after the birth of the newborn infant shall have primary responsibility for seeing that a specimen of the infant's blood is screened in accordance with this Part. Newborn screening includes tests for the following disorders: classical phenylketonuria (PKU) and certain other

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amino acid, organic acid, and fatty acid oxidation disorders; primary hypothyroidism; classical galactosemia; congenital adrenal hyperplasia due to 21-hydroxylase deficiency; biotinidase deficiency; ~~sickle cell disease/trait; and cystic fibrosis and sickle cell disease/trait~~. Specific diseases in the categories of amino acid, organic acid, and fatty acid oxidation will be determined by the Director. For a current list of disorders refer to the Illinois Department of Public Health Newborn Screening Practitioner's Manual. A ~~single~~ blood specimen meeting the requirements for testing shall suffice for all tests (see Section 661.20). The physician may delegate this responsibility to the hospital administrator or to the administrator's designated representative, such as a member of the pediatrics staff, the laboratory director, the obstetrical supervisor, or other hospital official.

- b) If the infant is not born in or admitted to a hospital or when there is no physician in attendance at or immediately after the birth, the physician caring for the infant during the first month of life shall be the individual responsible for seeing that a blood specimen for newborn screening is submitted. When there is no physician caring for such an infant during this period, the parents or guardian ~~is~~ are responsible. Local health authorities or the Department shall assist the parents or guardian in having a blood specimen submitted for testing.
- c) All specimens collected pursuant to this Part shall be submitted for testing to the Newborn Screening Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 (see Section 661.20).
- d) When a retest is determined to be necessary pursuant to Section 661.30 of this Part, the Illinois Department of Public Health shall notify the physician or his ~~or her~~ designee who is responsible for obtaining another specimen and having the specimen tested.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.15 Definitions**

"Act" means the Phenylketonuria Testing Act [410 ILCS 240].

"Advisory Committee" means the Genetic and Metabolic Diseases Advisory Committee appointed by the Director.

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"CF" means cystic fibrosis.

"CLSI" means Clinical and Laboratory Standards Institute.

"Department" or "DPH" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Formula" means a medically prescribed treatment substance that has been designed to treat a specific metabolic disorder.

"Newborn screening" or "testing" means the testing of a blood sample for classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders, primary hypothyroidism, classical galactosemia, congenital adrenal hyperplasia due to 21-hydroxylase deficiency, biotinidase deficiency, sickle cell disease/trait and cystic fibrosis, and sickle cell disease/trait. At times, variant forms of some disorders, or related conditions, may also be identified.

"PKU" means classical phenylketonuria.

"Tandem mass spectrometry" means use of a tandem mass spectrometer and associated software to test a newborn screening sample.

"MS/MS" means Tandem Mass Spectrometry.

"Using accepted statistical techniques" means using techniques that have been published in peer reviewed scientific literature.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.20 Collection of Blood and Submission of Specimens**

For detailed and specific information regarding collection of blood and submission of specimens, refer to the current Illinois Department of Public Health Newborn Screening Practitioner's Manual. Newborn Screening shall be performed on a single blood specimen that meets the following requirements for testing:

- a) All newborn infants shall have a blood specimen collected for testing as soon as

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~~possible after 24 hours of age. Every infant regardless of age shall have a specimen collected prior to discharge from the hospital. If an infant is transferred to a second health care facility before the specimen is collected, it is the responsibility of the first facility to inform the second facility of this fact and delegate the responsibility for collecting and submitting the specimen.~~

- b) ~~Infants who leave the hospital before they are at least 24 hours of age shall have a blood specimen collected prior to discharge. The attending physician, or his or her designee, shall collect a second blood specimen for testing by 24 to 48 hours of age, drawn for testing before discharge. A second blood specimen for testing shall be obtained on such infants by the 5th day of life by the attending physician or his designee as provided in Section 661.10(d).~~
- c) ~~If at all possible, every infant transferred to a second health care facility prior to 24 hours of age shall have a blood specimen collected prior to transfer. If an infant is transferred before a specimen is collected, it is the responsibility of the first facility to inform the second facility of this fact. It is then the responsibility of the second facility to collect and submit the specimen. Specimens shall be collected as soon as possible after 24 hours of age from those infants not discharged before 24 hours of age.~~
- d) ~~Infants admitted to a neonatal intensive care unit (NICU) or special care nursery shall have a blood specimen collected at 24 to 48 hours of age. A second specimen shall be collected at 14 days of age or prior to discharge from the NICU or special care nursery, whichever situation precedes. Specimens from infants requiring parenteral feeding or from premature infants should be obtained as soon as possible after their condition has stabilized as determined by the attending physician, but before the 7th day of life.~~
- e) ~~In the event that an infant requires a blood transfusion prior to 24 hours of age, if at all possible, a blood specimen shall be collected prior to the transfusion. If the initial specimen was collected post-transfusion, a second specimen shall be collected 48 hours post-transfusion, and a third specimen shall be collected three months following the last transfusion.~~
- f) For infants not born in hospitals or not admitted to a hospital during the neonatal period (under 28 days of age), a blood specimen shall be collected as soon as possible, but no earlier than 24 hours after birth.

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- ~~g)~~ The completed collection form (~~see~~ See Section 661.40) with a blood specimen shall be submitted for testing to the Newborn Screening Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612.
- ~~h)~~ Due to the nature and severity of some metabolic and endocrine disorders, prompt collection and submission of specimens is critical. Submission of specimens within 24 hours after collection is highly recommended, using the courier or mailing service designated by the Department. Blood specimens shall be examined by the Department within five days after receipt.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.30 Interpretation of Results**

Although the majority of infants affected by disorders included in the newborn screening panel will be identified by this screening, due to genetic variabilities and variations in health status, specimen quality, and timing of specimen collection, not all infants affected by such a disorder may be identified. As with any laboratory test, false positive and negative results are possible. Newborn screening test results are insufficient information on which to base diagnosis or treatment.

- a) Phenylketonuria
- 1) Normal phenylalanine levels shall be established using accepted statistical techniques.
  - 2) When the blood phenylalanine level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated consultant for a quantitative phenylalanine determination and other diagnostic studies as determined by the consultant.
- b) Primary Hypothyroidism
- 1) Neonatal levels for thyroid stimulating hormone (TSH) vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal TSH and normal thyroxine (T4) levels shall be established using accepted statistical techniques.

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- 2) When the TSH level or the T4 level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for primary hypothyroidism and additional serum testing for thyroid function.
- c) Galactosemia
- 1) Laboratory tests for galactosemia may be performed by testing for total galactose (galactose and galactose-1-phosphate) or a deficiency of the galactose-1-phosphate uridyl transferase enzyme. Normal test results indicate a normal level of total galactose or the presence of the enzyme. Test results are abnormal when the level of total galactose is above the normal range or the presence of the enzyme is not detected. Normal ranges shall be established using accepted statistical techniques.
  - 2) When the galactose or enzyme levels are deemed abnormal, recommendations may be given to change the diet of the infant to a galactose free diet. The Department shall recommend a repeat newborn screening test or referral of the infant to a designated consultant for further diagnostic studies.
- d) Congenital Adrenal Hyperplasia (secondary to 21-hydroxylase deficiency)
- 1) Neonatal levels for 17-hydroxyprogesterone vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal 17-hydroxyprogesterone levels shall be established using accepted statistical techniques.
  - 2) When the 17-hydroxyprogesterone level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for congenital adrenal hyperplasia.
- e) Biotinidase Deficiency
- 1) Laboratory tests for biotinidase deficiency are designed to detect a deficiency of the biotinidase enzyme. Normal test results indicate the

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presence of the enzyme. Test results are abnormal when the presence of the enzyme is not detected.

- 2) When the determination of the enzyme is deemed abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated consultant for a quantitative determination of the biotinidase enzyme and further diagnostic studies.
- f) Sickle Cell Disease/Trait and Other Hemoglobinopathies  
Qualitative testing will determine the presence of A, F, S, C and other hemoglobins.
- 1) When F and S hemoglobins, but no A hemoglobin, are detected on the same specimen, the Department shall recommend referral to a designated consultant for follow-up and genetic counseling.
  - 2) When F, S and C hemoglobins, but no A hemoglobin, are detected on the same specimen, the Department shall recommend referral to a designated consultant for follow-up and genetic counseling.
  - 3) When F, A and C hemoglobins or F, A and S hemoglobins are detected on the same specimen, the Department shall recommend parental testing and genetic counseling by the attending physician or another qualified counselor.
  - 4) When A hemoglobin is detected as the predominant hemoglobin, and the specimen was collected at less than 2 months of age, it will be assumed that the infant received a blood transfusion and a report indicating such will be made. A repeat newborn screening specimen should be drawn from all such infants 3 months post transfusion.
- g) Phenylketonuria (PKU) and other amino acid, organic acid, and fatty acid oxidation disorders  
(Note: PKU testing is described in Section 661.30(a)).
- 1) Analysis shall be performed by MS/MS. The patient metabolite distribution patterns shall be compared to normal populations. Pattern analysis, and internal metabolite ratios relative to normal populations, shall be calculated using accepted statistical techniques.

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- 2) When blood levels or ratios are found to be abnormal, indicating the possibility of a metabolic condition harmful to the infant, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated consultant for appropriate definitive testing and diagnostic studies.

h) Cystic Fibrosis (CF)

- 1) CF is indicated by elevated neonatal levels of immunoreactive trypsinogen (IRT) that can be detected in dried blood spots by immunoassay or other techniques. The normal IRT range shall be established using accepted statistical techniques.
- 2) When elevated levels of IRT are detected, testing by genetic mutation analysis shall be performed in order to decrease false positive results. Because there are over 1,000 mutations in the CF transmembrane conductance regulator (CFTR) gene, testing will yield only 90 to 95 percent sensitivity.
- 3) When IRT levels and/or mutation analysis are found to be abnormal, thus indicating the possibility of CF, the Department shall recommend referral of the infant to a designated consultant for appropriate definitive testing and diagnostic studies.
- 4) To establish normal IRT range and validate the mutation analysis, the Department shall conduct, through February 2008, a phase-in project requiring CF screening of all babies born at the following Illinois birthing hospitals: Advocate Lutheran General Children's Hospital, Advocate Hope Children's Hospital, Prentice Women's Hospital, Carle Hospital Foundation, Evanston Hospital, St. Alexius Hospital, Loyola University Medical Center/Foster McGaw Hospital, Rush University Medical Center, University of Chicago Hospitals, St. Francis Medical Center (Peoria), Methodist Medical Center, Proctor Hospital, St. John's Hospital, and Memorial Medical Center (Springfield). At the conclusion of the phase-in project, all specimens submitted to the DPH Newborn Screening Laboratory will be tested for CF.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

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**Section 661.35 Designation of Consultants**

- a) The Chief of the Division of Health Assessment and Screening, with the advice of the Director of the University of Illinois at Chicago, Division of Specialized Care for Children, and the Advisory Committee, shall designate qualified professionals to serve as Consultants to specified subprograms within the Newborn Screening Program.
- b) Equivalency in all qualifications specified in this Section shall be determined by the Chief of the Division of Health Assessment and Screening, with the advice of the Director of the University of Illinois at Chicago, Division of Specialized Care for Children, and the Chairman of the Advisory Committee.
- c) The minimum qualifications required for designation as a consultant are a license to practice medicine in all its branches in Illinois, or licensure in the state of practice, certification by the American Board of Pediatrics or equivalent board from another country, ~~and employment or affiliation with a major medical center or medical school setting.~~ In addition, to be designated to serve specified subprograms, Consultants shall also have the following qualifications:
  - 1) Phenylketonuria (PKU) and all other disorders of amino acid and organic acid metabolism: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics with at least one year experience ~~post-training~~ ~~post training~~ in diagnosis and treatment of amino acid and organic acid disorders; or certification by the American Board of Medical Genetics in Clinical Genetics, with extensive experience in the diagnosis and treatment of amino acid and organic acid disorders. The consultant shall have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians and a biochemical genetics laboratory, for citrullinemia and argininosuccinic aciduria, should have on-site availability of required medical therapies, such as hemodialysis, that are necessary for the treatment of patients with these disorders.
  - 2) Primary Hypothyroidism: training in ~~Pediatric Endocrinology~~ ~~pediatric endocrinology~~ with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics with at least one year

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experience ~~post-training~~ ~~post-training~~ in diagnosis and treatment of endocrine disorders.

- 3) Galactosemia: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics with at least one year of experience ~~post-training~~ ~~post-training~~ in diagnosis and treatment of children with galactosemia and inborn errors of metabolism or certification by the American Board of Medical Genetics in Clinical Genetics with extensive experience in the diagnosis and treatment of galactosemia and inborn errors of metabolism. Consultants should have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.
- 4) Congenital Adrenal Hyperplasia: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics with at least one year experience ~~post-training~~ ~~post-training~~, in diagnosis and treatment of endocrine disorders.
- 5) Biotinidase Deficiency: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics with at least one year of experience ~~post-training~~ ~~post-training~~ in the diagnosis and treatment of children with biotinidase deficiency and inborn errors of metabolism or certification by the American Board of Medical Genetics in Clinical Genetics with extensive experience in the diagnosis and treatment of biotinidase deficiency and inborn errors of metabolism. Consultants should have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.
- 6) Sickle Cell Disease: training in ~~Pediatric Hematology~~ ~~pediatric hematology~~ and certification of special competence in Pediatric Hematology-Oncology by the American Board of Pediatrics with at least one year experience ~~post-training~~ ~~post-training~~ in diagnosis and treatment of hematological disorders.
- 7) Fatty Acid Oxidation Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics with at least one year of experience ~~post-training~~ ~~post-training~~ in the diagnosis and treatment of fatty acid oxidation disorders or certification by the American Board of

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Medical Genetics in Clinical Genetics with extensive experience in the diagnosis and treatment of fatty acid oxidation disorders. Consultants should have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.

- 8) Cystic Fibrosis: certification by the American Board of Pediatrics in Pediatric Pulmonology or Pediatric Gastroenterology with at least one year post-training experience in diagnosis and treatment of children with CF. Consultants should provide prompt access to quantitative pilocarpine iontophoresis sweat chloride testing in a laboratory that meets all CLSI standards. Consultants should provide a multidisciplinary approach to care, including the availability of on-site genetic counselors, dieticians, respiratory therapists and social workers. Consultants should provide access to microbiology laboratories that use CF-specific protocols for detection of respiratory tract infection.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.40 Reports**

- a) Only collection forms with attached filter paper blood collectors supplied by the Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 are to be used in submitting blood specimens for newborn screening.
- b) Any hospital performing the required newborn screening tests in addition to submitting specimens to the Illinois Department of Public Health Laboratory shall comply with all requirements of this Part, and shall notify the Department immediately by telephone whenever testing on an infant indicates that:
- 1) phenylalanine levels are abnormal;
  - 2) T4 determinations are abnormal or TSH determinations are abnormal;
  - 3) total galactose or galactose-1-phosphate uridyl transferase determinations are abnormal;
  - 4) 17-hydroxyprogesterone determinations are abnormal;

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- 5) biotinidase enzyme determinations are abnormal;
- 6) abnormal hemoglobin patterns are detected;
- 7) abnormal amino acid or acylcarnitine patterns have been identified;
- 8) abnormal determinations that may indicate cystic fibrosis have been identified.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.50 Diagnosis and Treatment**

The Department shall also maintain a registry to record the results of diagnosis and treatment for all diagnosed cases identified. It is imperative to perform ongoing evaluation of the newborn screening program. This process includes outcome evaluation of children diagnosed through newborn screening. The Department shall request, from the consultant or primary care provider, updated information annually, concerning developmental milestones, for each child diagnosed with a disorder for which the Department screens. The Department at all times shall maintain confidentiality with regard to patient information.

- a) Phenylketonuria and Hyperphenylalaninemia. The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with phenylketonuria or hyperphenylalaninemia is necessary to adjust diet and to assess growth and development. Medical management by a designated consultant is required. in order for a patient to receive treatment formulas from IDPH. The administration of treatment formulas Dietary therapy shall not be instituted, until a complete amino acid analysis to corroborate the positive screening test has been performed, under the direction of a designated consultant, to establish the diagnosis of phenylketonuria. ~~The necessary medically prescribed treatment formulas shall be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with phenylketonuria or hyperphenylalaninemia is necessary to adjust diet and to assess growth and development.~~
- b) Primary Hypothyroidism. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with thyroid hormone is currently the standard treatment required. Long-term follow-up of

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children with primary hypothyroidism is necessary in order to adjust medication and to assess growth and development.

- c) Galactosemia. Medical management by a designated consultant is highly recommended. Therapy with a galactose free diet is currently the standard treatment required. Long-term follow-up of children with galactosemia is necessary in order to ensure proper growth and development.
- d) Congenital Adrenal Hyperplasia. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with glucocorticoids and, in some cases, mineralocorticoids is currently the standard treatment required. Long-term follow-up of children with congenital adrenal hyperplasia is necessary in order to adjust medications and to assess growth and development. ~~Other medications may also be necessary.~~
- e) Biotinidase Deficiency. Medical management by a designated consultant is highly recommended. Therapy with pharmacological doses of biotin is required. Long-term follow-up of children with biotinidase deficiency is necessary in order to ensure proper growth and development.
- f) Sickle Cell Disease/Trait. Medical management by a designated pediatric hematologist-oncologist is highly recommended. Antibiotic prophylaxis and immunization to prevent pneumococcal infections are currently the standard treatment required after a definitive diagnosis has been made of a sickling disease by a designated consultant. Long-term follow-up of children with sickle cell disease is necessary in order to assess growth and development. For families of infants with sickle cell trait every effort shall be made to assure referral for parental testing and genetic counseling is available.
- g) Other Amino Acid, Organic Acid and Fatty Acid Oxidation Disorders. The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development. Medical management by a designated consultant is required in order for a patient to receive treatment formulas from IDPH. Many of these disorders can be properly and supportively managed by dietary therapy. Ongoing care of these children will require long-term follow-up by the consultant to ensure proper development. ~~The necessary medically prescribed treatment formulas shall be supplied by the Department for diagnosed~~

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~~cases as long as medically indicated. Long term follow-up of children with metabolic disorders is necessary to adjust diet and to assess growth and development.~~

- h) Cystic Fibrosis. Medical management by a designated consultant is highly recommended. Prompt evaluation of exocrine pancreatic status coupled with nutritional counseling is recommended after diagnostic confirmation. Close follow-up by a consultant is recommended to monitor and treat changes in nutrition and respiratory infection status.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

**Section 661.70 Fee Assessment and Payment**

- a) Each institution or person submitting who submits to the Department any sample for newborn screening shall be assessed a fee of \$47 through August 31, 2007, after which time this fee shall be increased to \$59 for such analysis. ~~When the Director makes a determination to add screening for any additional disorders in the categories of amino acid, organic acid or fatty acid oxidation, pursuant to Section 661.10, this fee may be increased by \$2 for each disorder.~~
- b) Statements of fee assessment shall be mailed on a monthly basis to facilities submitting specimens for analysis.
- c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 31 Ill. Reg. 13203, effective August 28, 2007)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.270                      Emergency Action: Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) Effective Date of Amendment: August 30, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the accompanying proposed amendments are adopted prior to the end of the 150-day period.
- 7) Date filed with the Index Department: August 30, 2007
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.
- 9) Reasons for Emergency: The reason for the emergency amendments is to ensure that the employees who are in the Arbitrator title are appropriately paid immediately for work completed since January 1, 2007. The Arbitrator title is assigned an annual legislated rate of \$4,000 less than the Workers' Compensation Commission member's rate based on the Workers' Compensation Act [820 ILCS 305/14]. The Public Act 95-144 effective August 13, 2007 appropriated the funds to allow the Office of the Comptroller to change the rate of pay for the members of the Workers' Compensation Commission. The Office of the Comptroller notified the Department of Central Management Services (CMS) of the Workers' Compensation Commission member's rates and their effective dates. This allowed CMS to establish the Arbitrator title rates and effective dates. The lapse period for fiscal year 2007 ends August 31, 2007 and the effective dates of the rates are in fiscal years 2007 and 2008.
- 10) A Complete Description of the Subjects and Issues Involved: In Section 310.270, the rate table is deleted and a new rate table is added. The new annual salaries for the Arbitrator title are \$107,549 effective January 1, 2007 and \$111,453 effective July 1, 2007.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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11) Are there any proposed rulemakings to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06
310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06
310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.45	Amendment	31 Ill. Reg. 9660; 7/13/07
310.50	Amendment	31 Ill. Reg. 9660; 7/13/07
310.80	Amendment	31 Ill. Reg. 9660; 7/13/07
310.90	Amendment	31 Ill. Reg. 9660; 7/13/07
310.100	Amendment	31 Ill. Reg. 9660; 7/13/07
310.410	Amendment	31 Ill. Reg. 9660; 7/13/07
310.450	Amendment	31 Ill. Reg. 9660; 7/13/07
310.460	Amendment	31 Ill. Reg. 9660; 7/13/07
310.470	Amendment	31 Ill. Reg. 9660; 7/13/07
310.480	Amendment	31 Ill. Reg. 9660; 7/13/07
310.490	Amendment	31 Ill. Reg. 9660; 7/13/07
310.495	Amendment	31 Ill. Reg. 9660; 7/13/07
310.500	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 9660; 7/13/07
310.APPENDIX A TABLE A	Amendment	31 Ill. Reg. 12384; 8/31/07

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- 12) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 13) Information and questions regarding this emergency amendment shall be directed to:
- Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706
- Telephone: 217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

310.270	Legislated and Contracted Rate
<u>EMERGENCY</u>	
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

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16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

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peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. \_\_\_\_\_, effective August 29, 2007; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days.

## SUBPART B: SCHEDULE OF RATES

**Section 310.270 Legislated and Contracted Rate****EMERGENCY**

The rate of pay for employees occupying positions that require payment in accordance with specified rates set forth in legislation or by contract is as follows:

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>Effective Date</u>	<u>Annual Salary</u>
<u>Arbitrator</u>	<u>01401</u>	<u>H</u>	<u>July 1, 2001</u>	<u>\$97,790</u>
<u>Arbitrator</u>	<u>01401</u>	<u>H</u>	<u>January 1, 2007</u>	<u>\$107,549</u>
<u>Arbitrator</u>	<u>01401</u>	<u>H</u>	<u>July 1, 2007</u>	<u>\$111,453</u>
<u>Arbitrator</u>		<u>Annual Salary</u>		<u>\$97,790</u>

When an Arbitrator is serving as an acting Commissioner of the Illinois Workers' Compensation Commission, the appropriate rate will be the same as the rate set for a Commissioner.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Dynisco Instruments ("Dynisco"), 38 Forge Parkway, Franklin, MA 02038, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for melt pressure transducers and transmitters.
2. The above products are pressure sensors that operate at high temperatures. They are used in extrusion and polymer processing industries. The mercury is used to transfer pressure from process to electrical circuit for pressure indication.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters  
1021 North Grand Avenue East  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Lockart, MC #34

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Illinois EPA  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143  
E-mail: [Becky.Lockart@illinois.gov](mailto:Becky.Lockart@illinois.gov)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

OTTO Engineering, Inc. ("OTTO"), 2 East Main Street, Carpentersville, IL, 60110, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for 2-way radio accessories for man-down applications.
2. The above product is used in life-saving situations. The switch is used as an electrical contact when the device is tilted past a certain angle. Once contact is made, a signal is then sent that there is a man down. Sectors that use the product are police, firemen, prison workers, and miners.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters  
1021 North Grand Avenue East  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Becky Lockart, MC #34  
Illinois EPA  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143  
E-mail: [Becky.Lockart@illinois.gov](mailto:Becky.Lockart@illinois.gov)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Volkswagen of America, Inc. ("Volkswagen"), 3800 Hamlin Road, Auburn Hills, MI, 48326, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for anti-lock braking system G-sensor switches.
2. The above products sense G-force acceleration, and activate anti-lock braking systems.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters  
1021 North Grand Avenue East  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143

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Illinois EPA

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Sub Zero Freezer Company ("Sub Zero"), 4717 Hammersley Road, Madison, WI, 53711, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for outdoor gas grills.
2. The above product is used in cooking without electricity. The safety valve is used to prevent possible dangerous accumulation of gas should the pilot of the rear-mounted infrared burner used for the rotisserie function go out with the hood closed.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters  
1021 North Grand Avenue East  
Springfield, IL 62794-9276  
Phone: 217-524-9642; TDD 217-782-9143

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4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Lockart, MC #34

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Ford Motor Company ("Ford"), One American Road, Dearborn, MI, 48152, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for anti-lock braking system G-sensor switches.
2. The above products sense G-force acceleration, and activate anti-lock braking systems.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

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1021 North Grand Avenue East  
Springfield, IL 62794-9276  
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4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Lockart, MC #34  
Illinois EPA

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Computer Components, Inc., P. O. Box 1378, East Granby, CT, 06026-1378, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for mercury wetted relays used as replacement parts in existing equipment.
2. The above product is an aftermarket replacement relay used to switch low-voltage signals, or for high-speed counting and timing applications where the mercury eliminates contact bounce.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 22.23b of the Environmental Protection Act

Subaru of America ("Subaru"), P. O. Box 6000, Cherry Hill, NJ, 08034-6000, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period April 1, 2007 through June 30, 2007.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007 and 31 Ill. Reg. 7477, May 25, 2007.

Water quality criteria for General Use and Lake Michigan Basin Waters are listed below.

General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. Lake Michigan Basin criteria apply within waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443. Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

**General Use Criteria**

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
<b>Acute criterion: 0.66 ug/L</b>	<b>Chronic Criterion: 0.53 ug/L</b>
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993, <b>revised May 30, 2007</b>	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Atrazine	CAS #1912-24-9
Acute criterion: 82 ug/l	Chronic criterion: 9.0 ug/L
Date criteria derived: May 2, 2005	

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS -01 of Flint Creek.</b>	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS -01 of Flint Creek.</b>	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS -01 of Flint Creek.</b>	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River.</b>	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l Date criteria calculated : February, 1999, reviewed June 2007 Applicable waterbodies: Segment BE-01 of Embarras River.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dichlorophenol                      CAS #120-83-2 Acute criterion: 630 ug/l                              Chronic criterion: 83 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichloropropane                      CAS #78-87-5 Acute criterion: 4,800 ug/l                              Chronic criterion: 380 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.
Chemical: 1,3-dichloropropylene                      CAS #542-75-6 Acute criterion: 99 ug/l                                      Chronic criterion: 7.9 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dimethyl phenol                      CAS #105-67-9 Acute criterion: 740 ug/l                                      Chronic criterion: 220 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol                      CAS #534-52-1 Acute criterion: 29 ug/l                                      Chronic criterion: 2.3 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.
Chemical: 2,4-dinitrophenol                      CAS #51-28-5 Acute criterion: 85 ug/l                                      Chronic criterion: 4.1 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.
Chemical: 2,6-dinitrotoluene                      CAS #606-20-2 Acute criterion: 1,900 ug/l                                      Chronic criterion: 150 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.
Chemical: Diquat                                      CAS #85-00-7 Acute criterion: 990 ug/l                                      Chronic criterion: 80 ug/l Date criteria derived: January 30, 1996 Applicable waterbodies: Not used during this period.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
<b>Acute criterion: 4.3 ug/L</b>	<b>Chronic Criterion: 1.8 ug/L</b>
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993; <b>revised June 6, 2007 (Acute/Chronic)</b>	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS -01 of Flint Creek.</b>	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007	
Applicable waterbodies: Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Indeno(1,2,3-cd)pyrene	CAS #193-39-5
Human health criterion (HNC): 0.16 ug/l	
Date criteria calculated: February, 1992, reviewed June 2007	
Applicable waterbodies: Segment BE-01 of Embarras River.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 5.4 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Propylene	CAS #115-07-1
Acute criterion: 4.0 mg/l	Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l	
Date criteria derived: December 22, 1992	
Applicable waterbodies: <b>Segment BE-01 of Embarras River; Segment DTZS-01 of Flint Creek.</b>	
Chemical: Tetrachloroethylene	CAS #127-18-4
Acute criterion: 1,200 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: <b>Segment PQI-10 of South Branch Kishwaukee River (East).</b>	

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: <b>Segment PQI-10 of South Branch Kishwaukee River (East).</b>	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: <b>Segment PQI-10 of South Branch Kishwaukee River (East).</b>	CAS #79-01-6 Chronic criterion: 940 ug/l
Chemical: Vinyl chloride Acute criterion: 40 mg/l Human health criterion (HNC): non-primary contact, 164 ug/l Date criteria derived: October 23, 1992; revised January 23, 2007 Applicable waterbodies: Not used during this period.	CAS #75-01-4 Chronic criterion: 4 mg/l

**Lake Michigan Basin Criteria**

Chemical: Bis(2-ethylhexyl)phthalate <u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l	CAS #117-81-7 Chronic criterion: 17 ug/l
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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

<u>Human Health Non-threshold Criteria:</u>	
Drinking water: 2.8 ug/l	Non-drinking water: 3.2 ug/l
Date criteria derived: June 20, 2006	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene Chloride	
CAS #75-09-2	
<u>Aquatic Life Criteria:</u>	
Acute criterion: 10,803 ug/l	Chronic criterion: 1,200 ug/l
<u>Human Health Non-threshold Criteria:</u>	
Drinking water: 47 ug/l	Non-drinking water: 2,600 ug/l
Date criteria derived: June 20, 2006	
Applicable waterbodies: Not used during this period.	
Chemical: Vinyl Chloride	
CAS #75-01-4	
<u>Aquatic Life Criteria:</u>	
Acute criterion: 8,380 ug/l	Chronic criterion: 931 ug/l
<u>Human Health Non-threshold Criteria:</u>	
Drinking water: 0.25 ug/l	Non-drinking water: 14.4 ug/l
Date criteria derived: June 20, 2006	
Applicable waterbodies: Not used during this period.	

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch  
 Illinois Environmental Protection Agency  
 Division of Water Pollution Control  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276  
 217-558-2012

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 August 28, 2007 through September 4, 2007 and have been scheduled for review by the Committee at its September 11, 2007 or October 16, 2007 meetings. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/11/07	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	7/13/07 31 Ill. Reg. 9828	9/11/07
10/11/07	<u>Department of Human Services</u> , Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)	7/13/07 31 Ill. Reg. 9735	9/11/07
10/11/07	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	7/13/07 31 Ill. Reg. 9660	9/11/07
10/11/07	<u>Department of Financial and Professional Regulation – Division of Insurance</u> , Security Valuation Reserve (Repealer) (50 Ill. Adm. Code 1702)	5/18/07 31 Ill. Reg. 7223	9/11/07
10/11/07	<u>Department of Financial and Professional Regulation – Division of Insurance</u> , Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits (50 Ill. Adm. Code 1412)	5/18/07 31 Ill. Reg. 7210	9/11/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

10/11/07	<u>Department of Financial and Professional Regulation – Division of Insurance, Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (50 Ill. Adm. Code 1409)</u>	5/18/07 31 Ill. Reg. 7202	9/11/07
10/11/07	<u>Department of Financial and Professional Regulation – Division of Insurance, Reimbursement Provision Contained in Individual and Group Accident and Health Policies (50 Ill. Adm. Code 2020)</u>	4/20/07 31 Ill. Reg. 5929	9/11/07
10/11/07	<u>Department of Financial and Professional Regulation – Division of Insurance, Recognition of 2001 CSO Preferred Class Structure Mortality Tables for Use in Determining Minimum Reserve Liabilities (50 Ill. Adm. Code 1413)</u>	5/18/07 31 Ill. Reg. 7217	9/11/07
10/18/07	<u>Department of State Police, Testing of Breath, Blood and Urine for Alcohol, Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)</u>	7/13/07 31 Ill. Reg. 9840	10/16/07
10/18/07	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	7/13/07 31 Ill. Reg. 9731	10/16/07

## PROCLAMATIONS

**2007-271****GUBERNATORIAL PROCLAMATION**

Severe storms produced torrential rain on August 23, 2007, throughout Northern Illinois. Flash flooding occurred immediately in localized areas and eventually resulted in flooding along the major rivers in Northern Illinois. Grundy County and LaSalle County were impacted by both local flash flooding and the flooding from the Fox and Illinois Rivers. The flood damaged homes and businesses in many low lying areas in the county. Local roads and bridges were under water. Power outages caused the evacuation of health care facilities. The local government emergency workers quickly responded and continue to provide emergency measures including the removal of flood damaged property.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Grundy County and LaSalle County as State Disaster Areas pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated August 27, 2007

Filed August 28, 2007

**2007-272****GUBERNATORIAL PROCLAMATION**

Severe storms with heavy rain and high straight-line winds moved through Knox County and Warren County on August 23, 2007, damaging homes and businesses. The high winds toppled power lines, downed trees and spread debris from the Village of Kirkwood to the City of Galesburg. Local emergency responders immediately went into action and continue to provide necessary emergency measures. Debris from the damaged buildings and downed trees continues to be removed to protect public health and safety.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Knox County and Warren County as State Disaster Areas pursuant to the

## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Dated: August 29, 2007

Filed August 29, 2007

**2007-273**

**GUBERNATORIAL PROCLAMATION**

Severe storms with heavy rain and high winds moved through Will County on August 23, 2007. The subsequent flash flooding resulted in flooded basements in thousands of homes. The high winds caused power outages. Local emergency responders immediately went into action and continue to provide necessary emergency measures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Will County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Dated: August 30, 2007

Filed August 30, 2007

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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