

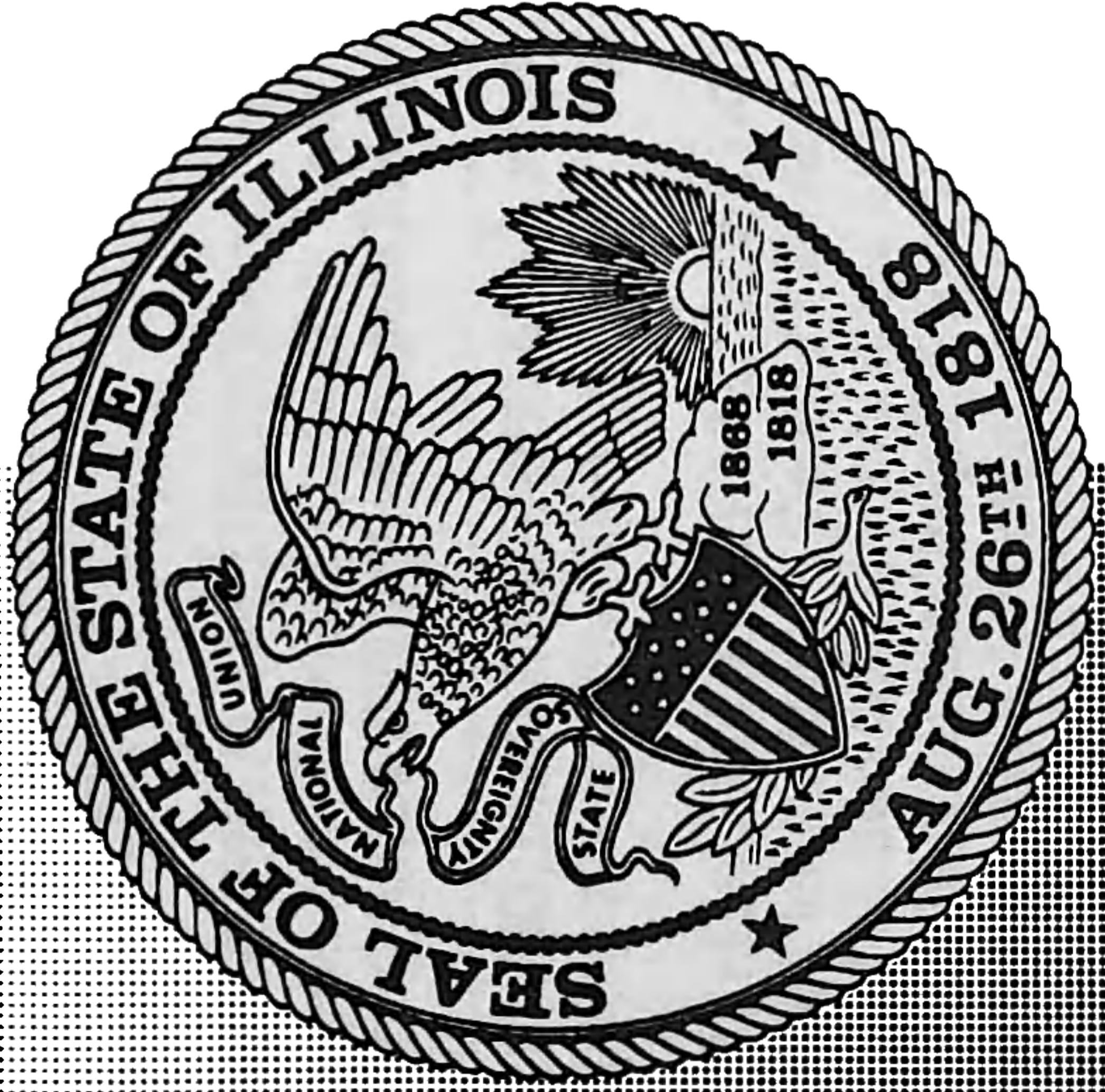
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Secretary of State

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COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions

2) Code Citation: 38 Ill. Adm. Code 307

3) Section Numbers: Proposed Action: 307.10 New Section

307.20 New Section

4) Statutory Authority: Implementing Sections 3 and 5(12)(a) and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 338(e)(5) and 359(6)).

5) A Complete Description of the Subjects and Issues Involved: This proposed rule defines when the former main banking premises, main office, branch or branches of the eligible depository institution are deemed to be "acquired" by the state bank, insured savings association or national bank pursuant to Section 31(e)(5) of the Illinois Banking Act. It also clarifies the ability of a state bank to begin operating the sites once the bank has received transfer of the majority of assets and liabilities of the eligible depository institution related to the main banking premises, main office, branch or branches that the bank is purchasing.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes No

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective: The proposed rule does not create a mandate on units of local government, school districts or community college districts. Only state banks are subject to this proposed rule.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

Bruce J. Baker
General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604

12) Initial Regulatory Flexibility Analysis?

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that state banks are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.

B) Types of small businesses affected: Small businesses are not affected by this rule.

C) Reporting, bookkeeping or other procedures required for compliance: N/A

D) Types of professional skills necessary for compliance: N/A

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

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIESPART 307
ACQUISITION OF FORMER MAIN BANKING PREMISES OR
BRANCHES OF ELIGIBLE DEPOSITORY INSTITUTIONSSection
307.10 Purpose
307.20 General Rule

AUTHORITY: Implementing Section 31(e)(5) and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 338(e)(5) and 359(6)).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 307.10 Purpose

Section 31 of the Illinois Banking Act ("Act") was amended in November, 1989, to permit Illinois state banks to purchase troubled and failed banks and savings associations from the Resolution Trust Corporation ("RTC") and the Federal Deposit Insurance Corporation ("FDIC"). Subsections (a) - (d) of Section 31 authorize a state bank to acquire the assets of or merge with an eligible depository institution. Subsection (e) of Section 31 exempts a state bank from the Act's numeric and geographic branching limitations when acquiring the former main banking premises, main office, branch or branches of an eligible depository institution.

Section 31(e)(5) also exempts a state bank from the Act's numeric and geographic branching limitations if it acquires the former main banking premises, main office, branch or branches of an eligible depository institution through a consortium bid from a lead purchaser within thirty days after that lead purchaser acquired the former main banking premises, main office, branch or branches from the eligible depository institution or its receiver. However, it is the practice of the RTC and FDIC to transfer titles or leases to the lead purchaser only after the other assets and liabilities of an eligible depository institution have been transferred to the lead purchaser, giving rise to the question of whether consortium members may begin doing business prior to the transfer of the title or lease.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

This Part clarifies that a state bank in the consortium may operate these locations before the transfer of the titles or leases to the lead purchaser and defines when a main banking premises, main office, branch or branches is deemed to be "acquired" by the lead purchaser.

Section 307.20 General Rule

- a) A state bank may begin operating the former main banking premises, main office, branch or branches of an eligible depository institution when the bank has received transfer of the majority of assets and liabilities of the eligible depository institution related to the main banking premises, main office, branch or branches that the bank is purchasing.
- b) For purposes of calculating the 30 day time period in Section 31(e)(5), a main banking premises, main office, branch or branches of an eligible depository institution is deemed to be acquired at the time the title or lease for such location is directly transferred by the eligible depository institution or its receiver to a state bank, insured savings association or national bank.

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Administration of Assets Obtained in Collection of a Debt

2) Code Citation: 38 III. Adm. Code 354

3) Section Numbers: 354.10
Proposed Action: New Section
354.20 New Section

4) Statutory Authority: Implementing Sections 3 and 5(12)(a) and authorized by Section 48(6) of the Illinois Banking Act (III. Rev. Stat. 1989, ch. 17, pars. 309, 311(12)(a) and 359(6)).

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rule is to require state banks, in accordance with sound industry practices, to maintain a written policy for administering assets obtained in collection of a debt.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes No

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective: The proposed rule does not create a mandate on units of local government, school districts or community college districts. Only state banks are subject to this proposed rule.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

12)

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that state banks are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.

B) Types of small businesses affected: Small businesses are not affected by this rule.
C) Reporting, bookkeeping or other procedures required for compliance: N/A
D) Types of professional skills necessary for compliance: N/A

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

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIESPART 354
ADMINISTRATION OF ASSETS
OBTAINED IN COLLECTION OF A DEBT

Section	
354.10	Purpose
354.20	General Rule

AUTHORITY: Implementing Sections 3 and 5(12)(a) and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 309, 311(12)(a) and 359(6)).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 354.10 Purpose

Section 3 of the Illinois Banking Act (the Act) authorizes a state bank to loan money on personal and real estate security (Ill. Rev. Stat. 1989, ch. 17, par. 309). Section 5(12) of the Act further authorizes a state bank to establish a subsidiary to hold title to and administer assets acquired as a result of the collection of loans. Included in these express powers is the incidental right to maintain assets that a state bank acquires in collection of a debt in preparation for their disposal.

Section 354.20 General Rule

- a) A state bank and its subsidiaries may take actions that are necessary to administer assets obtained in the collection of a debt, provided such actions are in conjunction with ongoing efforts to dispose of the assets by sale or liquidation.
- b) A state bank and its subsidiaries shall adopt a written policy for the disposition of assets obtained in the collection of a debt.
- c) A state bank and its subsidiaries shall document in each loan file any deviation from the written policy for the disposition of assets obtained in the collection of a debt.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

- d) When making a request for an extension of the period for which assets may be retained, whether pursuant to Section 5(9) of the Act or otherwise, a state bank or its subsidiary shall furnish the following information to the Commissioner:
 - 1) the good faith actions the bank has taken to dispose of the assets;
 - 2) why further retention of the assets is in the best interests of the bank;
 - 3) the bank's estimate of the time frame for ultimate disposition of the assets;
 - 4) the costs for administering the assets during the interim; and
 - 5) such other pertinent information as the Commissioner may request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 27, 1992

B) Types of small business affected: This rule affects the owners and operators of all amusement rides and amusement attractions.

C) Reporting, bookkeeping or other procedures required for compliance: This rule does not alter requirements that are currently in effect.

D) Types of professional skills necessary for compliance: This rule does not alter the skill levels that are currently required.

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

1) Heading of the Part: Carnival and Amusement Ride Inspection Law

2) Code Citation: 56 Ill. Adm. Code 6000

3) Section Numbers: Proposed Action: 6000.50 Amendment

4) Statutory Authority: Implementing action taken by the Carnival-Amusement Safety Board at their January 18, 1991 meeting under the statutory authority granted them in Ill. Rev. Stat. 1989, ch. III 1/2, par. 4060.

5) A Complete Description of the Subjects and Issues Involved: This amended rule increases inspection fees for carnival and amusement rides.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Will this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule changes the schedule of inspection fees to defray more of the cost involved in conducting inspections. Furthermore, any branch of state or local government who owns or operates an amusement ride or amusement attraction shall be affected in the same manner as any other operator in the state. Any additional expenditures from local revenue for compliance with this rule are considered minimal.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: A public hearing will be held at 2 p.m., May 14, 1992, at the Illinois Department of Labor, #1 W. Old State Capitol Plaza, Room 300, Springfield, Illinois. Written and/or oral testimony will be accepted at that time.

Persons desiring to submit written comments may do so within 45 days of this notice. All correspondence should be addressed to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: (217) 782-9347

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56 LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit and Inspection Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides
6000.320	Dry Type Slides
6000.330	Trams

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4051 et seq.).

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117,

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT(S)

effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days, emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days, emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; amended at _____ Ill. Reg. _____, effective _____.

Note: Statutory language is denoted by capital letters.

Section 6000.50 Permit and Inspection Fees

Annual permit and inspection fees under this Act will be:

a) Permit Fees

- 1) Kiddie Rides: \$10.00 each
- 2) Major Rides: \$25.00 each
- 3) Amusement Attractions: \$25.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25.00 each
- 5) Inflated Amusement Attractions: \$10.00 each
- 6) Permit issued upon resolution of a Stop Operation Order: \$10.00 each

b) Inspection Fees

- 1) Kiddie Rides: ~~\$10.00 each~~ \$20.00 each
- 2) Major Rides: ~~\$25.00 each~~ \$50.00 each
- 3) Amusement Attractions: ~~\$25.00 each~~ \$50.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: ~~\$25.00 each~~ \$100.00 each
- 5) Inflated Amusement Attractions: ~~\$10.00 each~~ \$20.00 each
- 6) Reinspection to resolve a Stop Operation Order: ~~\$25.00 each~~ \$250.00 each
- 7) Reinspection: ~~\$10.00 each~~ \$20.00 each

c) Fees double if not paid within 30 days.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

NOTICE OF PROPOSED AMENDMENTS

rules, attendance at administrative case reviews shall be open to foster parents or relative caretakers and guardians ad litem. The list of persons who receive written notices of administrative case reviews has been expanded to include foster parents or relative caretakers and purchase of service provider agencies, where applicable. The Department will provide written reports on the results of administrative case reviews to children, parents and others who attended the administrative case review within seven days of the completion of the administrative case review.

Section 305.70 is a new section which has been added to describe the role and responsibilities of the administrative case reviewer. The reviewers have been given greater authority for the administrative case review process to the extent that they can amend or change the case plan based on the facts of the case.

Section 305.80, Decision Review, is a new section which has been added to give service providers, including foster parents or relative caretakers and the child's worker, the opportunity to request a special review when they disagree with any portions of the service plan. In general, many of the amendments in these rules are aimed at giving foster parents greater participation in the case planning and review process subject, in some instances, to confidentiality provisions and receipt of appropriate training.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date: Yes No If "yes", date: _____

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the state mandate as defined in Section 3 (b) of the State Mandates Act (III. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: _____

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Chicago Kent Law School

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Client Service Planning

2) Code Citation: 89 III. Adm. Code 305

3) Section Numbers: Proposed Action

305.10	Number
305.20	Amendment
305.30	Amendment
305.40	Number
305.50	Amendment
305.60	Amendment
305.70	New Section
305.80	New Section
305.90	Number
305.100	Number
305.110	Number
305.120	Number
305.130	Amendment
305.140	Number

4) Statutory Authority: III. Rev. Stat. 1989, ch. par. 5005 et seq.

5) A Complete Description of the Subjects and Issues Involved: These rules are being amended to reflect legislative changes, changes agreed upon by the Department and the plaintiffs in the B.H. Consent Decree and changes which the Department believes represent good practice. The major revisions are as follows:

In Section 305.30, service plans must identify any problems causing continued placement of children away from their homes. Attention shall be given in case plans to meet the educational needs of children as well as specialized services needed for children with disabilities. In accordance with Department confidentiality rules, foster parents or relative caretakers, the guardian ad litem of the child and the juvenile court may now receive copies of the service plan. An initial service plan must be submitted to the juvenile court within 30 days of placement. In Section 305.60 Case Review System, administrative case reviews are being extended to include children in detention, correctional, mental or physical health related facilities. The first administrative case review will be conducted within 45 days from the day the child entered substitute care in an effort to deliver appropriate services to children and families on a more timely basis. It is believed this will lessen prolonged stays in substitute care. Subject to Department confidentiality

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not have an effect upon small businesses.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 305
CLIENT SERVICE PLANNING

Section	Purpose
305.10	Definitions
305.20	Introduction to Client Service Planning
305.30	Types of Permanency Goals
305.40	Service Plan
305.50	Case Review System
305.60	Roles and Responsibilities of the Administrative Case Reviewer
305.70	Decision Review
305.80	Parent-Child Visitation
305.7 90	Evaluating Whether Children in Placement Should Be Returned Home
305.8 100	Termination of Parental Rights
305.9 110	Planning for the Termination of Services
305.10 120	The Department's Role in the Juvenile Court
305.11 130	Compliance With the Client Service Planning Requirements
305.12 140	

AUTHORITY: Authorized by and implementing Section 5 of "The Children and Family Services Act," (Ill. Rev. Stat. 1989, ch. 23, par. 5005), Section 7.1 of The Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1989, ch. 23, par. 2057.1), Public Law 96-272, Adoption and Child Welfare Act of 1980" amending Section 475 of SSA (42 U.S.C. 675)" and Section 802.27 of The Juvenile Court Act of 1987 (Ill. Rev. Stat. 1989, ch. 37, par. 802.27), Section 1 et seq. of "An Act in relation to the adoption of persons and to repeal an Act therein named" (Ill. Rev. Stat. 1989, ch. 40, par. 1501 et seq.)

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; amended at 16 Ill. Reg. , effective

Section 305.10 Purpose

The purpose of the rules in this Part is to explain the philosophy, standards, and guidelines around which the Department centers its planning and decision-making for children and families.

(Source: Renumbered at 16 Ill. Reg. , effective)

"Abandonment" means parental conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child.

"Administrative case review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department. "Department client" means a child or a family who is receiving child welfare services either directly from the Department or through a purchase of service provider.

"Desertion" means parental conduct which evidences an intention to permanently terminate custody of a child, but not to relinquish all parental rights, claims and responsibilities.

"Discharge planning" means service planning which focuses on providing a smooth transition from Department guardianship or custody and the receipt of child welfare services to discharge from guardianship or custody and the termination of child welfare services. "Individual treatment plan" or "treatment plan" (ITP). A written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program (IEP)" means the document prepared by the local school district as a result of a multidisciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. "Individualized Family Service Plan (IFSP)" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

Chicago Kent Law School

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in the Dangerous-Drug-Abuse-Act, (Ill. Rev. Stat. 1979, ch. 92 1/2, par. 3-3 and 3-4) or Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 635.1-3) and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the child's safety and well-being have been ensured despite the parent's addiction. "Parents" means the child's biological or adoptive parents or the child's legal guardian if the legal guardian is not a public or private agency.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change. "Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child, or the foster parent or relative may take guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law. "Rehabilitative services plan." A written plan developed in accordance with Section 132.155 of 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services, which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by DCF pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

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"Service plan" means a written plan on a form prescribed by the Department which guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in an approved relative home, care provided in a group home, and care provided in a child care or other institution.

"Termination of parental rights" means a court order which relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

(Source: Amended at 16 Ill. Reg. , effective)

Section 305.30 Introduction to Client Service Planning

a) Principles of Client Service Planning

- 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in the light of the services provided, the permanency goal, and the progress toward achieving the goal.
- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
 - A) a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal;
 - B) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
 - C) identification of measurable changes or outcomes that will signify problem resolution;
 - D) identification of what help the Department and other service providers will provide toward achieving the desired permanent living arrangement;
 - E) identification of a time frame for achieving the desired status; and

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- F) identification of any consequences to the client if the time frame is not met.
 - 3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.
 - 4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal and state requirements.
- b a) The Need For a Permanent, Secure and Nurturing Home
- 1) The Department recognizes that children need permanent, secure, and nurturing homes for healthy psychological development in order to mature to stable adulthood. Therefore, the Department strives to preserve family life and to stabilize children's homes, whenever possible, and to assist in the solution of problems which are likely to result in the abuse, neglect, or exploitation of children.
 - 2) When children and families must be separated to reduce or prevent harm to the children, the Department strives to reunite families as quickly as is consistent with the children's safety and well-being. Infrequently, children and families cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards. When this occurs the Department strives to find other permanent homes for children.
- c b) The Child's Sense of Time and The Importance of Aggressive Planning
- 1) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerably long period for children. In general, younger children are less able to tolerate periods of separation than older children. For this reason, the Department shall act promptly using the best information available when dealing with children and their families.
 - 2) The Department believes that aggressive planning with an emphasis on decision making, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires service planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through service planning

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B) deciding whether parental rights should be terminated and an alternate permanent home sought; and
 F) deciding if children are prepared for partial or total independence.

2) When making a critical decision, any opinions or recommendations from professionals or agencies outside the Department shall be carefully weighed. In addition, the Department requires the participation of children and families in service planning and decision-making to the greatest extent possible.

(Source: Amended at 16 Ill. Reg. , effective)

Section 305.40 Types of Permanency Goals

a) The Department shall consider the recommendations of the purchase of service providers, if any, and shall select permanency goals for the children and families it serves in order to guide service planning and achieve permanent homes for children. The Department shall ensure that services provided to children and families move them toward the permanency goals. The permanency goals are:

1) Remaining at Home;

2) Returning Home;

3) Adoption;

4) Permanent Family Placement

A) with an unrelated foster family;

B) with relatives;

5) Independence;

6) Long Term Care in a Residential Facility; and

7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights.

b) When selecting a permanency goal, the Department shall use the criteria in this section.

1) Remaining at Home

Remaining home with their parents is the preferred goal when

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The Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being while recognizing the urgency caused by the child's sense of time.

d e) The Use of Outside Consultation

1) The Department recognizes the gravity of the decisions that must be made and, recognizing the urgency caused by the child's sense of time, the importance of acting deliberatively, yet promptly, on each case. Therefore, the Department strives to consult professionals and agencies outside the Department and to seek a balance of opinions from the following public and private agencies, when appropriate:

A) health, education and social service agencies;

B) law enforcement agencies; and

C) other agencies, organizations, or programs which provide or are concerned with human services.

2) This consultation allows Department staff to attain a broad perspective on the alternatives available to children and families and on the potential impact of these alternatives on the lives of the children and families served.

e d) The Critical Decisions

1) Although all Department decisions affecting children and families are important, the Department identifies the following decisions as the most critical ones affecting children and families:

A) deciding whether to remove children from the home of their parents or whether services can prevent placement away from their parents;

B) deciding whether to return children to the home of their parents from a placement away from their parents;

C) deciding whether to decrease the frequency or the duration of parent-child visits and whether the visits should be supervised;

D) deciding whether to change children's placements;

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the child's safety and well-being are not clearly endangered if allowed to remain at home. This permanency goal is consistent with the Department's service goal of family preservation. It emphasizes the importance of keeping families together and also stresses that the family is primarily responsible for caring for the child. In addition, this permanency goal is usually the least disruptive to family life.

2) Returning Home

A) Returning children to their parent's homes is the preferred goal for children who have been placed in substitute care away from their parents. This permanency goal is consistent with the Department's service goal of family reunification. It reinforces the family's responsibility to care for their children and maintain the family relationship. Furthermore, this permanency goal is usually the least traumatic alternative for both the families and children. Returning home should be established as the permanency goal:

- i) when the parents appear to have the capability to attain the minimum parenting standards with the aid of family reunification services; and
- ii) when the parents are cooperative with the Department and its purchase of service providers, if any, and want to resolve the problems.

B) Returning home should be continued as the permanency goal as long as the parents are substantially complying with the requirements of the service plan and are progressing satisfactorily toward the permanency goal.

3) Adoption

Adoption is the preferred permanency goal when parental rights have been terminated on a child. This permanency goal is to be established only:

- A) after both parents have signed adoptive surrenders; or
- B) after a court has terminated the parental rights of both parents and has designated the Department as guardian with the power to consent to the child's adoption; or

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C) after one parent has signed an adoptive surrender and parental rights have been terminated on the remaining parent through court action; or

D) when one parent has signed an adoptive surrender and the identity and/or the whereabouts of the remaining parent is unknown, and the Department expects the parental rights of the remaining parent to be terminated through court action; and

E) the child, if 14 years of age or over, consents to the adoption.

4) Permanent Family Placement

A) Although a permanent family placement is more desirable than a series of short-term placements, it is not a preferred permanency goal for the child. Without the legal safeguards offered by a permanent legal guardian, a permanent family placement may fail to provide the child with a sense of belonging and permanency. A permanent family placement is the permanency goal only:

- i) when to return the child home is not consistent with ensuring the child's safety and well-being; and
- ii) when the child, if 14 years of age or older, clearly does not want to be adopted or the child, if under age 14, has been provided counseling to help him accept another family, but continues to be unable to accept another family; or

iii) the child is otherwise deemed unadoptable.

B) The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by establishing the child's permanent caretaker as the legal guardian of the child. However, taking legal guardianship is not required for the placement to be considered permanent.

C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationship between the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, other factors shall be the likelihood of

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Section 305.50 Service Plan

a) Purpose of the Service Plan

The service plan is a written plan which is established between the Department, the purchase of service providers, and, if possible, the child and family served. Service plans approved by the Department are required regardless of whether the child and family are served directly by the Department or through purchase of service providers. The initial service plan shall be completed within 30 days of case opening and at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly as specified in Section 305.6.

b) Contents of the Service Plan

Service plans shall contain the following information:

- 1) the names of the children for whom the Department is legally responsible or to whom the Department is providing services;
- 2) the problems that threaten family stability or could lead to placement of the children away from the family home or have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;
- 3) what actions outcomes would be considered a resolution to these problems;
- 4) the services to be provided to the parents, the children (when appropriate) and the foster parents (if necessary when children are placed in foster care), that may best resolve these problems;
- 5) a description of a child's physical, developmental, educational or mental disability and any non-educational specialized services the child is receiving or should receive for each disability. If an Individual Treatment Plan (ITP) or Rehabilitative Services Plan exist for a child, they shall be included in the record;
- 6) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Headstart, or Pre-Kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record;

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- 7) 5) who will provide the services, how often they will be provided, and an explanation of why these services will meet the needs of the child;
- 8) 6) if children are placed out of the parents' home, the reasons for the out of home placement and an explanation of why that placement setting was chosen;
- 9) 7) the permanency goal for each child;
- 10) 8) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;
- 11) 9) the responsibilities of the Department and purchase of service providers, if any, in fulfilling the service plan;
- 12) ~~10)~~ when children and families are separated, the parent-child visitation plan, if visitation is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits;
- 13) ~~11)~~ the timeframes for achieving the permanency goal, the objectives outcomes needed to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;
- 14) ~~12)~~ a statement that the parents may disagree with the service plan and that they may have their disagreement recorded; and
- 15) ~~13)~~ an explanation of how parents may request an appeal and fair hearing.

c) Copies of the Service Plan

Copies of the service plan shall be distributed in accordance with the Department's rules on confidentiality (89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department) to:

- 1) the parents (unless parental rights have been terminated or the Department has filed a petition seeking the termination of parental rights);
- 2) the putative father, if he is participating in planning for the child;

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detection, correctional, mental or physical health related facilities. In addition, the Department may elect to conduct administrative case reviews on other groups of children as fiscal and staffing resources permit.

2) Regular six month case reviews are conducted for all other children and families served by the Department.

b) Frequency of Case Reviews

The first administrative case review shall be conducted within 45 days from the day the child entered substitute care. All subsequent case reviews, whether an administrative case review or a regular six month review, are conducted on every case at least once each six months from the day the child entered substitute care unless a dispositional hearing conducted by a court or a court approved panel was held the month prior to a scheduled case review. In this instance, the dispositional hearing shall replace the case review.

c) Purpose of Case Reviews

Case reviews are conducted in order to:

1) decide whether the Department's continuing intervention is necessary;

2) decide whether services, including placement services, are necessary and appropriate;

3) identify services needed but which are not being provided to the child or family;

4) assess the disability status of a child to determine the need for and/or appropriateness of specialized services;

5) assess the appropriateness of the child's educational placement and update the child's educational progress,

6) decide whether the Department, the service providers, the family, the substitute care provider, if any, and the child are complying with the service plan and, if they are not complying, whether changes in the service plan are needed;

7) decide whether there is progress to resolve the child and family's problems and whether the progress is satisfactory;

3) the purchase of service providers, including the foster parents or relative home caretakers. If any foster parents or relative home caretakers will receive other portions of the plan when they have successfully completed training prescribed by the Department. Such training will consist of topics related to the service planning and review process, including an overview of case planning and case review philosophy, the roles of the participants, positive communication, especially in confrontational situations, confidentiality requirements and limitations, preparation for visits and reunification.

4) the child, if participating in the planning; and

5) appropriate Department staff;

6) the Guardian ad Litem; and

7) the Juvenile Court where the court has jurisdiction. The initial service plan must be submitted to the court within 30 days of a child's placement.

d) Completing Revising the Service Plan

The service plan shall be completed revised:

1) if the current permanency goal is no longer appropriate;

2) if the current service plan does not address the child's needs;

3) within six months of establishing the original service plan;

4) at least every six months thereafter.

(Source: Amended at 16 Ill. Reg. , effective)

Section 305.60 Case Review System

a) The Case Review System

1) The Department has a case review system for all the children and families it serves. This case review system has two components: the administrative case review and the regular six month case review. Administrative case reviews are conducted for children living for six months or longer in foster family homes which are licensed or approved as meeting standards; relative homes, group homes, or child care institutions;

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- 8) 5) decide whether the projected month for achieving the permanency goal should be changed;
- 9) 6) ~~complete-another-service-plan~~ review and change the permanency goal (if appropriate); and
- 10) review and finalize the service plan for the next six month period; and
- 11) 7) provide the opportunity for parents and the children (if participating in the planning) to understand and discuss the plan and know what is expected of them.

d) Administrative Case Reviews

Administrative case reviews shall:

- 1) be convened by a staff member from the Department's office responsible-for-advocating-for-permanency-for-children; Division of Administrative Case Review;
- 2) include the worker and/or supervisor from the Department and/or the substitute care provider agency which has case responsibility for both the children and the family;
- 3) be open to the participation of the children's parents and their representatives. However, if parents are known to be violent and potentially dangerous to other participants in the review, they will be excluded. If the Department has filed a petition seeking the termination of parental rights, these parents will not be invited to the review;
- 4) be open to the participation of children who are determined able to participate without excessive harm when considering their age, maturity, circumstances, and understanding.
- 5) be open to the participation of the foster parents in the child's section of the review. Foster parents may be able to participate in other segments of the review if they have successfully completed training on the case review system and such participation is not prohibited by the confidentiality provisions of 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, and when such participation would promote achievement of the purpose of the review.
- 6) be open to the participation of the Guardian Ad Litem of the child for the child's section of the review. The Guardian ad Litem may participate in other segments of the review in

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- accordance with the confidentiality provisions of 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.
- 7) 5) be conducted in the office serving the parent's county of residence, if known and within the State of Illinois, unless the parent agrees to travel to another office; and
- 8) 6) focus on whether children should be returned to their parents' homes or whether another permanent home should be sought.
- e) Notice of Administrative Case Reviews
- ~~The-parents-and-the-child-(if-participating-in-the-review)-shall-be-given-a-written-notice-of-the-date,-time,-place,-and-purpose-of-the-administrative-case-review-at-least-14-days-prior-to-the-scheduled-review--in-addition,-this-notice-shall-inform-the-parents-of-their-right-to-bring-a-representative-with-them-to-the-review-~~
- With the exception of 45 day initial reviews for which notices will be given in the most expeditious manner possible, written notice of the date, time, place and purpose of the administrative case review shall be given at least 14 days prior to the scheduled review to the following:
- 1) the parents. The notice shall also inform them of their rights to bring a representative with them to the review.
 - 2) the child, if participating in the review. The child's participation shall depend on the child's maturity and ability to contribute and benefit from participation.
 - 3) the child's foster parents or relative caretaker.
 - 4) the purchase of service provider agency (if applicable).
 - 5) the child's legal representative.
- f) Within seven days of the completion of the Administrative Case Review the Department will provide written reports on the results of the administrative case review. A copy of the current service plan and the written report shall be sent to the following:
- 1) the child, depending on the child's maturity and if it is in the child's best interest to receive the report;
 - 2) the parents, and

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3) Convening administrative case reviews sooner than the regularly scheduled six month case reviews when the facts of the case indicate the need for a review.

(Source: Added at 16 III. Reg. , effective

305.80 Decision Review

a) When a service provider including foster parents or relative care-takers, or the child's worker with supervisory approval disagree with any portion of the service plan, including any amendments made by the Administrative Case Reviewer, they will be entitled to a review of the issue.

b) Requests for a review shall be directed, within 5 working days of the Administrative Case Review, to the Bureau of Quality Assurance.

c) A decision review conference shall be held within 10 working days of the receipt of the request. A final decision will be made by the Deputy Director, Bureau of Quality Assurance, or designee, within 10 working days of the conference.

d) Except when an issue affects compliance with a court order or the residual rights of parents, implementation will be stayed until the decision review conference is held. The residual rights of parents as defined in Section 801-3 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. ch. 37, Section 801-3) include the right to visitation, to consent to adoption and to determine the minor's religious affiliation.

e) If changes to the service plan are required by the decision review, copies of the changes will be sent to all those who are entitled to a copy of the service plan.

f) When children and/or parents disagree with any portion of the service plan, they may request a hearing in accordance with 89 III. Adm. Code 337, Service Appeal Process.

(Source: Added at 16 III. Reg. , effective

Section 305.790 Parent-Child Visitation

a) The Department recognizes that there is a strong correlation between regular parental visits and contacts with a child and the child's discharge from placement services. Therefore, when a child is in placement and the permanency goal is return home, parent-child visits, telephone calls at reasonable hours, and mail are encouraged unless they have been prohibited by court order. The

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3) subject to the confidentiality provisions of 89 III. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, the counsel for the child and any other person who attended the administrative case review.

f) g) Regular Case Reviews

Regular case reviews are conducted by the worker responsible for the case. The parents and/or the child (if participating in the review) are expected to be present before a case review is conducted. A service plan shall be completed during the case review.

(Source: Amended at 16 III. Reg. , effective

Section 305.70 Roles and Responsibilities of the Administrative Case Reviewer

a) The administrative case reviewer has the responsibility and authority to manage the case review process which includes:

- 1) excluding or limiting participation, as needed, to those with a right to share in the process, or excluding or limiting participation of any individual where necessary to promote the achievement of the purposes of the review.
- 2) convening and conducting a review in such a way as to encourage discussion and participation while respecting the rights of all participants.
- 3) maintaining the focus of the group on the service plan with good time management.
- 4) advising clients and other participants of their rights and providing an explanation of the purposes of case planning and the review process.

- 2) convening and conducting a review in such a way as to encourage discussion and participation while respecting the rights of all participants.
- 3) maintaining the focus of the group on the service plan with good time management.
- 4) advising clients and other participants of their rights and providing an explanation of the purposes of case planning and the review process.

b) The administrative case reviewer shall ensure that the review is congruent with Department rules and procedures, good child welfare practice and in compliance with Public Law 96-272 and any consent decree affecting Department practice. This responsibility includes:

- 1) ensuring that the purposes of the Administrative Case Review are carried out.
- 2) determining that the goal and the evaluation of progress are consistent with the facts of the case as presented at the Administrative Case Review, that the outcomes, tasks and time frames are appropriate for the goal, and amending or changing the case plan accordingly.

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responsible agency shall arrange for parent-child visits and shall advise parents that repeated failure to visit according to the visiting plan shall be considered a demonstration of a lack of parental concern for the child and may result in the Department seeking a termination of parental rights.

- b) When the permanency goal is return home, a visiting plan shall:
 - 1) be established before placement or within 3 working days after placement out-of-home unless the placement was an emergency;
 - 2) be established within 10 working days after an emergency placement;
 - 3) specify that visits are to begin immediately;
 - 4) specify that parents shall be expected to visit weekly unless there is documentation to the contrary in the case/record;
 - 5) increase in length unless specific harm to the child is caused by the visits;
 - 6) specify visiting in the home of the child's parents, if consistent with the safety and well-being of the child. When visits in the home of the child's parents are not consistent with the child's safety and well-being, visits shall be in the most homelike setting possible. Office visits are acceptable if structure is necessary to evaluate or protect the child; and
 - 7) specify the responsibilities of the Department, the purchase of service providers, the parents, and the child in regard to visitation.

(Source: Renumbered at 16 Ill. Reg. , effective)

Section 305.8100 Evaluating Whether Children in Placement Should Be Returned Home

- a) When deciding whether children in placement should be returned home to their parents' care, the Department shall consider whether the parents show an interest in the children's well-being. The Department shall consider the following as demonstrations of a lack of interest in the children's well-being and as good reasons to continue in placement. When parents:

- 1) continually miss visits with children; or

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- 2) continually upset children during visitation by verbal abuse, eliciting guilt, or by making unrealistic promises; or
 - 3) continually miss appointments with Department staff; or
 - 4) continually miss appointments with service providers; or
 - 5) fail to respond to the services offered; or
 - 6) fail to respond to instruction and assistance provided by a homemaker; or
 - 7) fail to remedy housing or housekeeping standards that are a threat to health or safety or to seek suggested economic resources when lack of resources is a major barrier; or
 - 8) otherwise fail to attain the minimum parenting standards as defined in Section 305.2 or as determined by the Juvenile Court.
- b) The Department shall not be persuaded to return children home if parental concern for the child is shown only by:
 - 1) occasional sporadic visits and contacts;
 - 2) elaborate or expensive gifts on holidays or birthdays; or
 - 3) statements of concern for the children which are not supported by actions consistent with their safety and well-being or by preparations for their return home.

(Source: Renumbered at 16 Ill. Reg. , effective)

Section 305.9110 Termination of Parental Rights

Some families are unable to achieve minimum parenting standards, despite comprehensive services and support from the Department. The Department shall seek the filing of a petition in court by the local State's Attorney for termination of parental rights, providing a child 14 years of age or older consents to adoption or a child, if under age 14 is able to accept another permanent family, when one of the grounds for termination of parental rights appears to exist, as specified in paragraph 1501(D) of the Adoption Act (Ill. Rev. Stat., 1989, ch. 40, par. 1501 et seq.). The final decision as to the actual filing and prosecution of a termination of parental rights case rests solely with the local State's Attorney.

(Source: Renumbered at 16 Ill. Reg. , effective)

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clear to the Department that the child's parents are unwilling or unable to attain the minimum parenting standards, the Department shall urge the Juvenile Court that a new, permanent, home for these children is needed as soon as they are ready to accept another home because of the urgency of the situation from the child's perspective.

- b) Juvenile Court Reviews
 - 1) returning a physically abused or neglected child to the parents' home;
 - 2) required by the Juvenile Court Act;
 - 3) required by the Adoption Assistance and Child Welfare Act of 1980; and
 - 4) for an Indian child, required by the Indian Child Welfare Act as explained in 89 Ill. Adm. Code 307: Indian Child Welfare Services.

(Source: Amended at 16 Ill. Reg. , effective)

Section 305.12140 Compliance With the Client Service Planning Requirements

- a) The Department shall develop a monitoring and reporting mechanism to evaluate the extent of compliance with its client service planning requirements. At the minimum, the Department shall monitor:
 - 1) the permanency goal for each child;
 - 2) the planned date of achievement of the permanency goal;
 - 3) the extent of progress toward the permanency goal; and
 - 4) the actual date the permanency goal was achieved.

b) These reports shall also be used to measure the effectiveness of child welfare services in the different subdivisions of Illinois and to plan statewide and local service initiatives.

(Source: Renumbered at 16 Ill. Reg. , effective)

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Section 305.10120 Planning for the Termination of Services

- a) Planning for the termination of services is an integral part of all service planning. From its earliest contacts with children and families, the Department shall focus on when and how services to the children and families shall end. In addition, when the Department is legally responsible for a child, the Department shall also focus on when and how the child shall be discharged from the Department's custody or guardianship.

- b) If the child will be returned home from substitute care, the Department shall provide follow-up services for at least 90 days. These services shall consist of regularly scheduled telephone contacts, home visits, and family adjustment counseling if needed.

- c) If the child will not be returned home from substitute care or the child will not be released from the Department's guardianship but the permanency goal has been achieved and the child's situation is stable, Department intervention shall be reduced to the minimum possible. Department home visits for these cases shall be conducted at least once per year. In addition, children in substitute care will continue to be subject to case reviews in accordance with Department policy.

(Source: Renumbered at 16 Ill. Reg. , effective)

Section 305.11130 The Department's Role in the Juvenile Court

- 1) The Department shall promote a partnership between the Juvenile Court and the Department. Since the Department is primarily responsible for providing public child welfare services to children and families, it shall make the Juvenile Court aware of the mission of public child welfare services. Furthermore, the Department shall advise the Juvenile Court of the Department's planning for the children and families it serves and of their progress toward those goals.

- 2) When in the Juvenile Court, the Department shall act as an advocate for children for whom the Department is legally responsible and their families and shall advise the Juvenile Court to keep families together in all instances when it is consistent with the children's safety and well-being. In those instances when children must be removed from their parents' care, the Department shall advise the Juvenile Court to reunite children for whom the Department is legally responsible with their families as soon as returning home is consistent with their safety and well-being. Finally, when it is

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DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Dog Training on Department-Owned or -Managed Sites
 - 2) CODE CITATION: 17 Ill. Adm. Code 950
 - 3) SECTION NUMBERS:

950.20	Amendments
950.40	Amendments
 - 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)
 - 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments expand dog training opportunities at Sangchris Lake State Park and provide for training of sporting dogs in and adjacent to the water areas at Sangchris Lake.
 - 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
 - 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
 - 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
 - 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
 - 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
 - 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787
 - 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable
- THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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

PART 950
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section	
950.10	Statewide Regulations
950.20	Definitions
950.30	Permit Requirements
950.40	Dog Training Seasons
950.50	Dog Training Regulations
950.60	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 950.20 Definitions

- a) Department - Department of Conservation
- b) Dog Training - any teaching or exercising activity involving the classification of dogs commonly referred to as sporting dogs in which the primary purpose is to enhance the field performance of the dogs.
- c) Waterdog Training - sporting dog training involving retrieving from water and areas adjacent to water.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 950.40 Dog Training Seasons

Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Banner Marsh State Fish and Wildlife Area (no closed season)

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DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Dog Training on Non-Department Owned or -Managed Lands
- 2) CODE CITATION: 17 Ill. Adm. Code 960
- 3) SECTION NUMBERS: PROPOSED ACTION:
 960.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
These amendments authorize designated dog training permit holders to shoot hand-reared game birds and/or domestic pigeons all year.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTSTITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 960

DOG TRAINING ON NON-DEPARTMENT OWNED OR -MANAGED LANDS

Section	Definitions
960.10	Definitions
960.20	Designated Dog Training Area Permits
960.30	Designated Dog Training Areas
960.40	Training of Coon Hounds
960.50	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. ~~1987~~1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)

SOURCE: Adopted at 13 Ill. Reg. 14921, effective September 6, 1989; amended at 16 Ill. Reg. _____, effective _____.

Section 960.30 Designated Dog Training Areas

- a) Permit holders must conspicuously post the perimeter of Designated Dog Training Areas with signs obtainable from the Department.
- b) Permit holders must properly band all hand reared game birds shot on a Designated Dog Training Area before they are removed from the training area. If the permit holder resides on the training area, the hand reared game birds must be properly banded the same day they are taken. Only bands obtained from the Department may be used. Bands can be obtained for ten cents each by writing to:

Illinois Department of Conservation
~~Division of Licenses and Permits~~ Licenses Section
~~524 S. Second Street~~ P.O. Box 19458
Lincoln Tower Plaza
Springfield, IL 6270662794-9458

- c) Permit holders may utilize live hand reared game bird recall devices on Designated Dog Training Areas.
- d) ~~The shooting of hand reared game birds on Designated Dog Training Areas is restricted to only those~~ The individuals named on the permit and ~~must be conducted~~ are authorized

NOTICE OF PROPOSED AMENDMENTS

to shoot hand reared game birds and/or domestic pigeons all year within the Designated Dog Training Area.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

1)

HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites

2)

CODE CITATION: 17 Ill. Adm. Code 510

3)

SECTION NUMBERS: PROPOSED ACTION:

510.10

Amendments

4)

STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a28)

5)

A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This Part is being amended to clarify regulations regarding use of tree stands during muzzleloading deer season and include handgun and muzzleloading deer hunting as controlled hunting programs.

6)

WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? NO

7)

DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

8)

DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

9)

ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? NO

10)

STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11)

TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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DEPARTMENT OF CONSERVATION

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. ~~1989~~1991, ch. 127, par. 63a28)

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984, amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

a) Regulations

- 1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.
- 2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

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recreation areas.

- 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.
- 6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.
- 7) To hunt or trap outside designated areas at the site.
- 8) To trespass within a refuge.
- 9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 730, and 740).
- 10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees.
- 11) To hunt or trap without a valid permit where permits are required.
- 12) To enter a refuge or restricted area to retrieve wounded game unless authorized by the Department. Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without dog or weapons.
- d) Specific Management Procedures
 - 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes,

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b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 5) Adult - a person 18 years of age or older.
It shall be unlawful:
 - 1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day, unless otherwise specified in 17 Ill. Adm. Code 650, 660, 670 and 680.
 - 4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed

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or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

3)4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

4)5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, and 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

e) Only shotgun or bow and arrow shall be used for hunting unless otherwise specified.

f) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing or special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

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g) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. Trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK,

WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND

WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10

Statewide zones

570.20

Statewide Season Dates

570.30

Statewide Hours, Daily Limit and Possession Limit

570.40

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 (Ill. Rev. Stat. 1991, ch. 61, pars. 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. _____, effective _____.

Section 570.20 Statewide Season Dates

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

1) Northern zone: November 5 through January 3.

2) Southern zone: November 16 through January 14.

b) Red fox, gray fox and coyote

1) Northern zone: November 16 through January 14.

2) Southern zone: November 16 through January 14.

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped

Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck

(Groundhog) Trapping

2) CODE CITATION: 17 Ill. Adm. Code 570

3) SECTION NUMBERS:

570.20

Amendments

570.30

Amendments

570.40

Amendments

PROPOSED ACTION:

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:

This Part is being amended to change season dates for furbearer trapping to minimize conflicts with upland game hunters and to allow trappers an opportunity to trap before the firearm deer season begins.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? NO

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?

NO

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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c) Beaver

- 1) Northern Zone: November 5 through March 31, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 5 through January 3, inclusive.
- 2) Southern Zone: November ~~16~~ through March 31.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

- 1) Trapping hours: November 5 in the Northern Zone and November ~~16~~ in the Southern Zone open for trapping at sunrise; January 3 in the Northern Zone and January ~~14~~ in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None

b) Red fox, gray fox and coyote

- 1) Trapping hours: November ~~16~~ open for trapping at sunrise; January 3 in the Northern Zone and January ~~14~~ in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None

c) Beaver

- 1) Trapping hours: November 5 in the Northern Zone and November ~~16~~ in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll,

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Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 3 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
- 2) Daily and possession limit: none.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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 issued to trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within designated 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 news release 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. Permit applicants must submit name and address to the site prior to drawing.
- 5) All sites except Amax Leased Lands, Lake Kincaid, Mississippi River Pools 16, 17, 18, 21, 22, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close

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I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake State Natural Area

Lake Kinkaid

Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters ECWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; all traps must be tagged with the letters

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SFWA and the year; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Mermet Lake Fish and Wildlife Area (permit required; water sets only)

Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (permit required; water sets only; no trapping during waterfowl season)

Moraine Hills State Park (permit required; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Wildlife Area only; only muskrats may be taken; all traps must be water sets only; furthermore, only bodygripping traps with a jaw spread of 5 inches or less may be used)

Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with

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Spartan Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)
Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season only; permits must be returned to the site office by March 15)
Ten Mile Creek Fish and Wildlife Area (permit required; water sets only; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned to the site office by March 15)

Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)
Union County Conservation Area (permit required; water sets only)
Washington County Conservation Area (permit required; water sets only)

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.

- 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.

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a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Panther Creek Conservation Area
Pyramid State Park (permit required; water sets only)
Randolph County Conservation Area (permit required; water sets only)

Rend Lake Project Lands and Waters (water sets only)
Rice Lake Fish and Wildlife Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box- or cage-type traps may be used for land sets)

Rock Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)
Sanganois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)

Sangcharis Lake Fish and Wildlife Area (permit required; water sets only; no trapping during duck season)
Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

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16 Ill. Reg. _____, effective

- 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 NUMBERS: PROPOSED ACTION:
550.20 Amendments
550.30 Amendments
- 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 (Ill. Rev. Stat. 1991, ch. 61, pars. 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) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This Part is being amended to change season dates for raccoon, opossum, red fox and gray fox hunting to accommodate changes in the firearm deer hunting season dates and to amend woodchuck hunting hours to comply with limits in the Wildlife Code.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 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 (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 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; 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 amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; 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. _____, effective _____.

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

1) Zones: The State of Illinois is divided by U. S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

2) Northern Zone hunting dates: November 5 through January 18, except as noted in Section 550.10(a)

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March 31, except as noted in Section 550.10(a) above.

- 2) Hunting hours: ~~One-half hour before sunrise~~Sunrise to sunset.
- 3) Daily limit and possession limit: None.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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 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 news release 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. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.
- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Amax Leased Lands (.22 rimfire firearms may be used from sunset to sunrise)

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote only; shotgun and archery only; season to coincide

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Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season; January 1 through the end of the statewide season; coyote season January 1 - February 28; .22 calibre firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season, permit required, .22 calibre firearms may be used, hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 calibre firearms may be used to take coyotes, tree permit required)

Kankakee River State Park (raccoon and opossum hunting; .22 calibre firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Wednesday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain tree season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 calibre firearms permitted from sunset to sunrise; coyote and striped skunk

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with the site where upland game is hunted (See Section 530.10(b) and Section 530.20(b)) and site archery deer hunting seasons (See Section 670.10))

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 calibre firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 calibre firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Cache River State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 calibre firearms may be used from sunset to sunrise)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; return permit by February 15; .22 calibre firearms may be used from sunset to sunrise; no woodchuck hunting; coyote and striped skunk season coincides with statewide fox season.

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 calibre firearms may be used from sunset to sunrise)

Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Peppenhurst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

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season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise ~~during raccoon season~~ from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)

Kidd Lake State Natural Area (.22 rimfire may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only, .22 rimfire firearms may be used, hunting hours sunset to sunrise only, permit required, obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season ~~November 25 to December 20~~ from sunset November 23 to sunrise December 2 and sunset December 7 to sunrise December 21)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

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Middlefork Fish and Wildlife Area (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise ~~during raccoon season~~ from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Panther Creek Conservaton Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C; .22 rimfire firearms permitted)

Ramsey Lake State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County)

Saline County Conservation Area (hunting north of

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required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

WeinburgWeinberg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season

2) CODE CITATION: 17 Ill. Adm. Code 720

3) <u>SECTION NUMBERS:</u>	<u>PROPOSED ACTION:</u>
720.10	Amendments
720.20	Amendments
720.30	Amendments
720.40	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments are being made to change the definition for a legal broadhead used in the harvesting of wild turkeys, add sites, clarify existing language and modify site-specific regulations for archery hunting of wild turkeys.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

Ogle
Pike
Pope
Putnam
Randolph
Rock Island
Saline
Schuyler
Scott
Union
Washington
Williamson

(Source: Amended at 16 Ill. Reg. _____, effective

Section 720.20 Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62794-9446

b)

Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

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

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section 720.10 Hunting Seasons and Counties Open to Hunting
720.20 Turkey Permit Requirements
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. _____, effective

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through December 31, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk, shall be open to archery turkey hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

b) Open Counties:

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Clay
Johnson
Knox
Macoupin
Marion
Marshall
McDonough
Monroe

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- c) Applications will be accepted beginning the first Monday in June. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.
- d) ~~Illinois resident landowners~~ Landowners including non-resident and out-of-state landowners who own or tenants of 40 acres or more land and resident tenants and members of their immediate family may apply for a free turkey permit for their property only in counties open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.
- e) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.
- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
 - 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:
 - A) Submittal of a copy of property deed;
 - B) Submittal of a copy of contract for deed;
 - C) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

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- D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- 3) If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - A) Submittal of a copy of a lease or rental agreement, file stamped as recorded by the County Clerk; covering the current year; or
 - B) Submittal of a copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.
 - 4) A hunting rights lease or other non-agricultural lease, is not valid ~~for~~ as a basis for obtaining a landowner or tenant permit. A trustee of a land trust is not eligible to receive a landowner permit.
 - 5) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.
 - f) A \$3.00 service fee will be charged for replacement

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permits issued by the Department, except when permits are lost in the mail then there will be no charge.

g) It shall be unlawful to:

- 1) Submit more than one application for the same person.
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application for rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait;
- b) to take, or attempt to take, more than 1 wild turkey during the fall archery season (either sex may be harvested);
- c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw; an hunting arrow with a metal barbless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a draw or partially drawn position on a bow is illegal;
- d) to hunt except from 1/2 hour before sunrise to sunset during each day of the season;
- e) for any person having taken a wild turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;

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f) for any person to hunt wild turkeys without having a signed archery wild turkey hunting permit in possession;

- g) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
- h) to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and
- i) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Statewide regulations shall apply for the following sites:

AMAX Leased Lands

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through December 31)

Beaver Dam State Park (2 hunters per day; closed weekends)

Big River State Forest

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed)

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3 days prior to and during the duck season)

Castle Rock State Park (November 1 - December 31)

Dog Island Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres Historic Site

Giant City State Park

Kaskaskia River State Fish and Wildlife Area (south of Highway 154 only)

Kinkaid Lake Fish and Wildlife Area

~~LaRue Scatters~~

Mississippi Palisades State Park (season dates - November 1 - December 31)

Mississippi River Pool 18 in Henderson County only

~~Oakwood Bottoms~~

Pere Marquette State Park

Pike County Conservation Area ~~(October 1 -~~ Hunting closes November 30 only in Area A; Hunting closes December 15 in Area C

* Ramsey Lake State Park

Randolph County Conservation Area

Rockhouse Creek (Monroe County)

Saline County Conservation Area

Shawnee National Forest

Siloam Springs State Park

Site M (in designated areas only; hunting will be allowed on weekends as announced by the Department)

* Stephen A. Forbes State Park

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Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Public Hunting Area (October 1-15 only)

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

Witkowsky State Wildlife Area

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section	715.10	Hunting Season, Open Counties and Permit Quotas
	715.20	Turkey Permit Requirements
	715.30	Turkey Hunting Regulations
	715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989/1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

a) Season: October 17 through October 20, 1991 to 25, 1992.

b) Open Counties and Permit Quotas

NUMBER OF PERMITS
PER SEASON

200	Adams
150	Alexander
200	Brown
200	Calhoun
150	Carroll
200	Gallatin/Hardin (south of Rt. 13 only)
100	Greene
250	Jackson
175	Jersey
400	Jo Daviess
75	Marshall/Putnam (east of Ill. River only; north of State Hwy 17 and south of the McNabb Blacktop (County Road 500 N. only))
350	Pike
300	Pope (north of Rt. 146 only)
75	Saline
300	Schuyler

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun

Season

CODE CITATION: 17 Ill. Adm. Code 715

SECTION NUMBERS:

PROPOSED ACTION:

715.10	Amendments
715.20	Amendments
715.40	Amendments

4) **STATUTORY AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments change the 1992 season dates, eliminate listing of permit quotas, change application deadline dates and modify site-specific regulations.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? NO

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? NO

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Union	250
Williamson	50

- c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 715.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be on an official application form. Permits are not

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transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications post-marked after July ~~19~~ 17 shall not be included in the drawing.

- d) Permits not issued during the computerized drawing shall be available in a random daily drawing beginning August ~~26~~ 24. All hunters not receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.
- e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit.
- f) Landowners or tenants including non-resident and out-of-state landowners who own 40 acres or more land and resident tenants and members of their immediate family may apply for one free turkey permit for their property only in areas open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.
- g) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.
- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
 - 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:
 - A) Submittal of a copy of property deed;
 - B) Submittal of a copy of contract for deed;

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Shawnee National Forest

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

Giant City State Park

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Siloam Springs State Park - quota ~~20~~ will be publicly announced

Tapley Woods - quota ~~2~~ will be publicly announced

Trail of Tears State Forest

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

Witkowsky State Wildlife Area - quota ~~6~~ will be publicly announced

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) CODE CITATION: 17 Ill. Adm. Code 670
- 3) SECTION NUMBERS:

670.10	<u>PROPOSED ACTION:</u>
670.20	Amendments
670.30	Amendments
670.40	Amendments
670.50	Amendments
670.60	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars, 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Amendments to this Part clarify the rejection of applications and revocation of permits, modify site specific regulations and add archery deer hunting to two sites.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

Section	670.10
Statewide Open Seasons and Counties	670.20
Statewide Deer Permit Requirements	670.30
Statewide Legal Bow and Arrow	670.40
Statewide Deer Hunting Rules	670.50
Rejection of Application/Revocation of Permits	670.55
Reporting Harvest	670.60
Regulations at Various Department-Owned or -Managed Sites	

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. ~~1991~~1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 15 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- b) For Cook, DuPage, Kane and Lake counties - October 1 through December 31.

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- c) For all other counties - October 1 through December 31, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Conservation (Department or DOC) owned or managed sites designated below by an asterisk shall be open to archery deer hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

~~d) Hours are one-half hour before sunrise to sunset unless site specific regulations are more restrictive.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 670.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Archery Deer Permit" (\$15.00). Those persons who were Illinois residents at the time of application for multiple-year bow and arrow deer permits shall be allowed to utilize such permits regardless of future residency. Deer permit fees for non-resident archery hunters shall be the same fee as an Illinois resident would be charged for a deer hunting permit by the state in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the state in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For permit applications and other information, write to:

Department of Conservation
Archery Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

- b) Applicants must submit an application using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application. Applicants for multiple-year either-sex

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permits must submit a check for the total number of permits applied for at \$15 per permit, and will receive subsequent-year either-sex permits without needing to re-apply. Such applicants remain subject to all other requirements of this Part.

- c) Dates of acceptance of applications will be announced publicly. No application for a second either-sex archery permit will be accepted after the publicly announced closing date for multiple archery applications. Applicants applying for two either-sex archery permits are ineligible to apply for a firearm or muzzleloading only permit until ~~November~~ August 15.
- d) Two either-sex archery applications received after the closing date for multiple either-sex archery applications or firearm applications received before ~~November~~ August 15 and after submission of two either-sex archery applications ~~will result in rejection of applications, and revocation of permits~~ subjects the applicant to the penalties prescribed in Section 670.50.
- e) Landowners including non-resident and out-of-state landowners who own 40 acres or more of land, or resident tenants ~~residing or renting or leasing~~ 40 acres or more of farm land, and members of their immediate family whose permanent domicile is the same as that of the landowner or tenant, may apply for a free permit for their property only. Landowners or tenants having been issued a free landowner/tenant either-sex archery permit shall be issued an additional antlerless-only free landowner/tenant archery permit. *The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases, or rents.* (Ill. Rev. Stat. ~~1989~~ 1991, ch. 61, par. 2.26).
- f) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing with the landowner or tenant, or permanently residing on the same property. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits. Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands

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m) Out-of-state applicants must contact the Department of Conservation Archery Deer Permit Office, 524 S. Second Street, Room 210, P.O. Box 19227, Springfield, Illinois 62794-9227, for a non-resident application and fee information.

n) Anyone may submit an application for one antlerless-only Archery Deer Permit (\$15.00) fee. The application period for these permits will be announced via a news release. The application for, or receipt of this antlerless-only Archery Deer Permit will not affect a hunter's eligibility to receive any other deer permit(s).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 670.30 Statewide Legal Bow and Arrow

a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw; an arrow with a minimum length of 20 inches and with a metal barless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal.

b) A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26). It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.

c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, except as noted in subsection (b) above.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 670.40 Statewide Deer Hunting Rules

a) The bag limit is one deer of either sex or an antlerless deer per single archery permit during the legal archery season. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long during the legal archery deer

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only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submital to the Permit Office.

g) A tenant for the purpose of this part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Hunting and mineral rights leases are not valid for a tenant permit. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

h) Permits are not transferable. Refunds will not be granted.

i) A three dollar \$3.00 service fee will be charged for replacement permits issued by the Department of Conservation (Department or DOC), except permits lost in the mail, then there will be no charge. Monies from this source will be deposited in the Wildlife and Fish Fund.

j) Applications for the current year Archery Deer Permits are accepted at any time.

k) Applicants applying for two either-sex archery permits must submit both applications not later than August 15, of the current year.

l) Applicants submitting applications for a single archery permit after September 1 will not be guaranteed a permit by October 1.

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~~season or as identified in site specific regulations. Hunters who voluntarily choose to either sex archery permits will not be allowed to obtain a firearm permit of any type until after October 31. The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.~~

- b) *Totally white white-tailed deer are protected by Illinois law and are illegal to kill, pursuant to Sec. 2.24 of the Wildlife Code (Ill. Rev. Stat. 19891991, ch. 61. par. 2.24)*
- c) The Archery Deer Hunting Permit shall be signed and carried with you while hunting.
- d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner, or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.
- e) Hunters shall not have in their possession while in the field during archery deer season, any deer permit issued to another person (Permits are non-transferable).
- f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 670.50 Rejection of Application/Revocation of Permits

- a) ~~In the event that an applicant is in violation of one of the following, his or her application will be held in suspension, and the application fees will be deposited, pending final disposition of the offense for which the applicant is charged. In the event that an applicant is in violation of one of the following paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.~~
 - 1) Using a hunting rights lease, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;
 - 2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Section 670.20;
 - 3) Providing false and/or deceptive information on the deer permit application form.
 - 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36).
 - 5) Applying for two either-sex archery deer permits if the applicant has already been issued a muzzleloading rifle or firearm deer permit.
- b) Any violations of the Wildlife Code (Ill. Rev. Stat. 19891991, ch. 61, pars. 1.1 et seq.) or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. _____, effective

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number in subsections 670.60(c) through (1). Some of the sites listed in subsections 670.60(c) through (1) have numbers in parentheses which explain the definitions in this Section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in Section 510.10(c)(3) and must be portable.

2) Only one tree stand is allowed per hunter.

3) Tree stands may be left unattended overnight only during the period from two weeks before through two weeks after the close of archery deer season.

4) Tree stands may be left unattended overnight only during the archery deer season.

5) Tree stands may be left unattended overnight only during the archery deer season. They may not be left overnight for more than four consecutive nights.

6) Tree stands may be left unattended overnight only on Saturday nights during archery deer season.

c) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

AMAX Leased Lands

Cache River State Natural Area ((1) (2) (4))

Campbell Pond Wildlife Management Area

Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season).

Chaucey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permit must be returned by 15 February (1))

Dog Island Wildlife Management Area ((1) (2) (4))

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site, closed to hunting three days prior to the regular duck season).

Eldon Hazel State Park (North of Allen's Branch and West of Reppenhorst Branch only ((1) (2) (5))

~~Horsehoe Lake Conservation Area, Alexander County north of Route 3 only~~

Kidd Lake State Natural Area ((1) (2) (5))

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas

Lake Kinkaid Fish & Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25 and 26 ((1) (3))

Panther Creek Conservation Area ((1) (4))

Pike County Conservation Area (No hunting after November 30 in Area A; no hunting after December 15 in Area C)

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1) (3))

Sandy Ford (Lasalle County CA)

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Sangamon County Conservation Area

Sanganois Conservation Area ((1) (4))

~~Shawnee National Forest, LaRue Scatters~~~~Shawnee National Forest, Oakwood Bottoms~~

Ten Mile Creek Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15; (1) (3))

~~Union County Conservation Area - Firing Line Management Unit~~

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

- d) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites:

* ~~Argyle Lake State Park (season - October 15 - December 31)~~

* ~~Banner Marsh Fish and Wildlife Area (Season opens day after close of waterfowl season - December 31)~~

* Big Bend Conservation Area

Big River State Forest

Castle Rock State Park (season - November 1 - December 31)

Clinton Lake (Inner Peninsula and Mascoutin Areas Only) (Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated by drawing held at site; procedures for application and drawing shall be announced by news release; hunters must fill one site specific antlerless permit before being allowed

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to take an antlered deer)

Crawford County Conservation Area ((1) (3))

Ferne Clyffe State Park ((1) (2) (4))

Fort de Chartres Historic Site ((1) (2) (5))

Fort Massac State Park ((1) (2) (4))

Franklin Creek State Park

Giant City State Park

Green River State Wildlife Area (Lee County Conservation Area) (closed during permit pheasant season)

~~Hamilton County Conservation Area ((1) (3))~~

Horseshoe Lake CA - Alexander County - Public Goose Hunting Area (October 1-15); reopens with the close of the quota zone goose season through December 31); other portions of the Public Hunting Area (open during statewide season ((1) (2) (4))

I-24 Wildlife Management Area ((1) (2) (4))

Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season)

Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)

Mackinaw River State Fish and Wildlife Area

Marseilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October; (1) (3))

Marshall State Fish and Wildlife Area

* Mt. Vernon Propagation Center; only antlerless deer may be taken ((1) (3))

* Randolph County Conservation Area ((1) (2) (5))

* Red Hills State Park ((1) (3))

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Weinberg-King State Park

- f) Statewide regulations as provided for in this Part shall apply and in addition hunters must obtain site permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:

Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)

Kankakee River State Park (Bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)

Mississippi Palisades State Park (season November 1 - December 31)

Moraine View State Park (closed Wednesday through Sunday during permit pheasant season; (1) (2) (4))

Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek; one deer per hunter per year)

Rock Cut State Park (1st Monday in November - 2nd Friday in December, closed Thanksgiving Day; hours 1/2 hour before sunrise to 10:00 a.m.)

Sand Ridge State Forest ((1) (4))

Spring Lake Conservation Area

- g) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following site. Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas.

Sangchris Lake Fish and Wildlife Area ~~(Hunting is~~



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~~prohibited within 200 yards of developed areas such as picnic and camping areas. The Peninsula and west shoreline areas will be open for hunting from October 1 until the opening day of duck season and from the close of duck season through December 31; closed also during the Youth Hunt. The North Mainland and East Mainland Areas will be open from October 1 through December 31; closed during the Youth Hunt. Areas open for hunting will include: Peninsula Area (DOC and Commonwealth Edison owned portions of the middle and east peninsulas; west shoreline area, North Mainland Area and East Mainland Area)~~

- h) Statewide regulations as provided for in this Part shall apply except that hunting will be permitted on Saturdays and Sundays only as announced by the Department of Conservation at the following site. Hunter quotas shall be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only; ((1) (6)).

Site "M" Cass County

- i) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only during the area legal waterfowl season. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing shall be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Individuals who have purchased a statewide archery permit are eligible to receive a daily site antlerless only permit, subject to drawing procedures. Hunting is closed on Mondays and Tuesdays.

Heidecke State Fish and Wildlife Area

- j) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant

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Kickapoo State Park ((1) (2) (4))

Middlefork Fish and Wildlife Area ((1) (2) (4))

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse.

Chain O'Lakes State Park

k) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 shall result in loss of hunting privileges at the site for the following year.

Clinton Lake State Recreation Area (except Mascoutin Area and Inner Peninsula (1) (2) (4)) (Tree stands must be marked with site hunting permit number visible from ground level)

Eagle Creek State Park

Fox Ridge State Park ((1) (2) (4))

Hamilton County Conservation Area ((1) (3))

Hidden Springs State Forest ((1) (2) (4))

Lake Shelbyville Eagle Creek Wildlife Management Area

Mermet Conservation Area ((1) (2) (4))

* Ramsey Lake State Park ((1) (3))

* Sam Dale Lake Conservation Area

* Stephen A. Forbes State Park

l) Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit shall result in loss of hunting privileges the next season.

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- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Firearms
- 2) CODE CITATION: 17 Ill. Adm. Code 650
- 3) SECTION NUMBERS:

650.10	<u>PROPOSED ACTION:</u>
650.20	Amendments
650.21	Amendments
650.22	Amendments
650.23	Amendments
650.40	Amendments
650.50	Amendments
650.60	Amendments
- 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 (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to change the 1992 season dates, describe the second season permit and antlerless-only boxes, change application periods for permits, allow hunters to obtain multiple full-season permits, add special hunt areas and subtract others and to modify site specific regulations.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

at 11/17/91

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Don Woods
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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before Thanksgiving to 6:00 p.m. on Sunday of the three 3-day weekend in November before Thanksgiving, and 12:01 a.m. on Thursday of the second 4-day (Thursday, Friday, Saturday and Sunday) weekend in December following Thanksgiving to 6:00 p.m. on Sunday of the second first 4-day weekend in December following Thanksgiving. Shooting-hunting hours are one-half hour before sunrise to sunset.

b1) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to firearm deer hunting.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). A "Non-Resident Firearm Deer Permit" may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. A 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. For permit applications and other information write to:

Department of Conservation
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

b)

Applications from residents will be accepted through April 30, of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized random drawing in which the first one choice of hunt areas or counties county will be allocated before the second choice areas are considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE
PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section
650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free
650.22 Deer Permit Requirements - Special Hunts
650.23 Deer Permit Requirements - Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

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 (Ill. Rev. Stat. 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985; for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 1665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendments at 15 Ill. Reg. 15790, effective October 22, 1991; emergency expired March 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg.

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985; for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 1665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendments at 15 Ill. Reg. 15790, effective October 22, 1991; emergency expired March 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg.

Section 650.10 Statewide Season and Permit Quotas

a) Season: 12:01 a.m. on Friday of the three 3-day (Friday, Saturday and Sunday) weekend in November immediately

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of one either-sex and one antlerless-only permit shall be issued per person.

- c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit. If the applicant checks the second-season box and is rejected in the lottery the applicant will receive preference in next year's lottery.
- d) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e)e) Counties Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning the first Monday of August 1 and ending August 14 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received after October 31 will be processed for a permit for the second hunting season. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) Those applicants who have already received a firearm permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county and season specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00.
- d)g) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed

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~~proportionately (mail and over the counter receipt). All applications received on a specific day will be processed before processing applications received for a subsequent day.~~

- e)h) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Pope County shall be divided into Northern Pope and Southern Pope by Route 146, beginning at Golconda and extending westward to the Johnson-Pope county lines. Separate permits will be issued for each of these areas. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.
- f)i) Applications for non-resident firearm permits will be accepted beginning October 15. These applications will not be processed until October 31, August 1 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 1 will be processed in the August 1 daily drawing.
- g)j) There will be two application periods during which anyone (including landowner/tenant) (regardless of any other permit they may have) can apply for firearm deer permits (\$15.00 fee) left over from the county and special hunt area quotas to hunt the second firearm season. During both application periods, the permits shall be issued in a random daily drawing and only one permit shall be issued per applicant during each application period. Landowners or tenants having been issued a free landowner/tenant firearm permit shall be issued an additional free antlerless-only landowner/tenant firearm permit. This additional permit does not affect a landowner or tenant's eligibility to apply for additional permits as delineated in this Section.
- l) The first application period starts November 1 August 15 and ends November 11 August 31. Only one additional either-sex permit shall be issued per successful applicant during the application period. Applicants who have not previously been issued an

eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

3) The applicant must apply for the same first-county choice which he/she listed on the previous year's application. Preference for a permit is valid only for the first county choice.

4) Where applicants apply as a group, preference for the entire group will apply as it does above for the individual. All first-county choices for the group must be identical.

4m) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.

4n) Permits are not transferable. Refunds will not be granted, unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

4o) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

4p) Applicants must check the option box if they agree to accept a permit or season other than full season either sex.

1) the sequence of allocating permits to those applicants willing to accept limited permits to full season first county choice (either sex, then Antlerless Only, and then Antlered Only), second season only first county choice (either sex, then Antlerless Only, and then Antlered Only), full season second county choice (either sex, then Antlerless Only, and then Antlered Only), and then second season only second county choice (either sex, then Antlerless Only, and then Antlered Only).

2) the sequence of allocating permits to those applicants not willing to accept a limited permit to full season first county choice (either sex and then full season second county choice (either sex).

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either-sex permit may apply for and receive a maximum of two either-sex permits during this application period. A maximum of one bonus antlerless-only permit may be issued per either-sex permit issued. One full season antlerless-only permit can be issued to each applicant that has already received a full season either-sex permit. Second season antlerless-only permits shall only be issued to successful applicants that have second season, either-sex permits. Applicants must print "August 15-Second Permit" on the outside of the envelope and mark the "August 15-Second Permit" box on the firearm deer permit application when applying for this permit.

2) The second application period starts November 12 September 1 and ends October 26. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits. Second season antlerless-only permits shall only be issued to successful applicants that have second season either-sex permits. Applicants submitting applications after October 26 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September 1-Multiple Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the firearm deer permit application.

Landowners or tenants having been issued a free Landowner/tenant firearm permit shall be issued an additional free antlerless-only Landowner/tenant firearm permit. This additional permit does not affect a Landowner or tenant's eligibility to apply for additional permits as delineated in this Section.

4j) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from the previous year 1991 who were unsuccessful due to the counties of their choice being full. The following criteria must be met to obtain a preference in the 1992 permit lottery:

1) The applicant must apply using the official agency preprinted Data-Mailer application.
2) The applicant must be a resident of the state, be

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- m)p) Persons with lottery preference (i.e., who did not receive a Firearm Deer Permit during the previous year's lottery) will have first chance at receiving available Either-Sex permits.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free

- a) Landowners, including out-of-state Illinois landowners, and tenants, but not out-of-state tenants, owning or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid Firearm Deer permit providing they reside on the same property as the landowner or tenant. Incomplete applications will be returned. Out-of-state landowners must obtain a non-resident hunting license, in addition to the deer permit. The fee for an out-of-state landowner deer permit is the same as an Illinois resident would be charged for an out-of-state landowner deer permit by the State in which the applicant resides, and if the State in which the applicant resides does not provide for deer hunting by Illinois out-of-state landowners, then the fee shall be \$100.00. These applications will not be subject to the public drawing or the Random Daily Drawing.
- b) Landowners, including out-of-state Illinois landowners, who own 40 acres or more of land or resident tenants renting or leasing residing on 40 acres or more of farm land, and members of their immediate family whose domicile is on the same land as the landowner or tenant, may apply for a free permit for their property only in counties open for firearm deer hunting. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. *The deer hunting permit issued without fee shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting.* (Sec. 2.26 of the Wildlife Code, Ill. Rev. Stat. ~~1989~~1991, ch. 61, par. 2.26)

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- c) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- d) A tenant for the purpose of Part 650 is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- e) Date of acceptance of landowner/tenant free permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by February 28.
- f) Landowners, or tenants are not required to participate in the public drawing for permits ~~and are not counted toward the total number of permits issued for a particular county.~~
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
 - 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.23 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicant must enclose a separate \$15.00 check or money order for each application or the applications will be returned.
- d) In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group will not receive preference. The group leader's hunter number is the number identified in the hunter number field on the group leader's application mailer. If the application mailer is lost, the applicant should contact the Permit Office for the leader number.
- e) Applicants applying as a group will be rejected if they do not list the same first and second county choice, complete the group leader information listing the identical group leader, and complete the permit second season option box identically.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.40 Statewide Deer Hunting Rules

- a) ~~Bag limits (per legally authorized permit): an either sex firearm permit holder, including a Landowner/Tenant Firearm permit holder, is allowed one deer of either sex during the legal firearm season. An Antlered Only firearm permit holder is allowed to take a deer having at least one antler of a length of 3 inches or more during the~~

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~~legal firearm season. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long during the legal firearm deer season or as identified in site specific regulations. The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.~~

- b) *Totally white white-tailed deer are protected by Illinois Law and are illegal to kill. (Sec. 2.26 of the Wildlife Code, Ill. Rev. Stat. 1989/1991, ch. 61, par. 2.24)*
- c) The Firearm Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owners Identification number, hunting license number and physical description recorded on the permit and carried on the person while hunting.
- d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site.
- e) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).
- f) ~~An Antlered Only Deer permit authorizes the holder to take only a deer with at least one antler of a length of 3 inches or more. An antlerless only permit authorizes~~

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the holder to take only a deer without antlers or a deer having antlers less than 3 inches long. These permits will be issued only in selected counties having large deer herds and related crop damage and will provide additional hunters the opportunity to hunt in these counties-

g) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.50 Rejection of Application/Revocation of Permits

a) Any of the following shall result in rejection of an application in the event that an applicant is in violation of one of the following paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.

1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit;

2) Submitting more than one applications in the same name or by the same person for a Firearm Deer Permits than the number of legally authorized permits. This will also result in the forfeiture of application fees submitted.

3) Providing false and/or deceptive information on the deer permit application form.

4) Submitting an application when the applicant has a

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license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36).

5) Applying for two either-sex archery deer permits if the applicant has already been issued a muzzleloading rifle or firearm deer permit.

b) Any violation of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.1 et seq.) or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number in subsections 650.60(c) through (p). Some of the sites listed in subsections 650.60(c) through (p) have numbers in parentheses which explain the definitions in this Section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the firearm deer season or as specified in 17 Ill. Adm. Code 670.60.

2) Only one tree stand is allowed per hunter.

c) Statewide regulations shall apply at the following sites:

MAX Leased Lands

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area except

--- Kent Law School

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Subimpoundment Area

Cache River State Natural Area ((1) (2))

Chauncey Marsh - (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by February 15 ((1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1) (2))

Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except for the Public Goose Hunting Area ((1) (2)) north of Route 3 only

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1) (2))

Lake Kinkaid Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 ((1) (2))

Newton Lake State Fish and Wildlife Area (Sex-specific site permits allocated by on-site drawing; procedures and dates to be announced by news release. Permits to be carried at all times by successful applicants while in field for scouting and/or hunting; scouting/hunting only in assigned management unit. The site will be closed to all access, except firearm deer hunters, during the firearm deer season). (Permit required)

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1) (2))

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Saline County Conservation Area ((1))

Sangamon County Conservation Area

Sanganois Conservation Area ((1))

Shawnee National Forest, LaRue Scatters (closed at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, West of the Big Muddy Levee, closed at noon)

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15 ((1))

Union County Conservation Area - firing line management unit ((1) (2))

Wildcat Hollow State Park

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres State Park (hunting in designated areas only; muzzle-loading firearms only ((1) (2))

Giant City State Park

I-24 Wildlife Management Area

Mermet Conservation Area (no hunting in the waterfowl area) ((1) (2))

Pere Marquette State Park ((1))

Pyramid State Park

Trail of Tears State Forest ((1) (2))

Turkey Bluffs Fish and Wildlife Area ((1) (2))

Weinberg-King State Park

DEPARTMENT OF CONSERVATION
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Green River (Lee County Conservation Area)

Iroquois County Conservation Area

Mississippi Palisades State Park

Morrison Rockwood State Park

g)

Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the firearm deer seasons and permits will be allocated by a mail-in drawing to be held at the Regional office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Big River State Forest

Mackinaw River State Fish and Wildlife Area (one deer only per hunter per year)

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

~~Woodford County Conservation Area~~

Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park ((1)(2))

Middle Fork Fish and Wildlife Area ((1)(2))

Statewide regulations will apply, except hunting is allowed by permit only allocated via statewide lottery process. ~~Permits will be allocated by a mail-in drawing at the District office. The registration procedure~~

f)

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e)

Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for only one of the two firearm deer seasons. The following regulations apply at Heidcke State Fish and Wildlife Area. At Heidcke State Fish and Wildlife Area, vacancies created by hunters checking out may be filled from a standby list. No more than two (2) applications may be submitted as a group for the October 19 drawing; and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidcke State Fish and Wildlife Area. Hunters will be issued a site specific, season specific, antlerless-only permit which must be used prior to taking a deer with their county-wide permit.

Heidcke State Fish and Wildlife Area

Tapley Woods

Witkowsky State Wildlife Area

Statewide regulations shall apply except hunting allowed by permit only during the first 3-day portion of the firearm deer season. Hunter permits are allocated by a mail-in drawing held at the Regional Office or site office on October 19. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. at the sites. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Castle Rock State Park

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~~hunter quota, and date for the drawing will be announced by public news release. Holders of current Cass County Firearm Deer Permits will be eligible for the drawing. Permits available after the drawing will be allocated on a first-call or first-come basis from the District office. All permit holders must sign in at the site check station between 4:30 a.m. and 6:00 a.m. and exchange their hunting license for a back patch which must be worn at all times. Daily vacancies will be filled on a first-come basis at the site office beginning at 6:00 a.m. Hunters will be assigned an area from which to begin their hunt. After one hour has elapsed, hunters may move to any portion of the area open to hunting. It is unlawful to park anywhere on the site except at designated parking areas. Hunters must check out and report their harvest immediately after hunting. ((1))~~

Site "M"- Land leased from Commonwealth Edison, Cass County

- j) Statewide regulations shall apply. Hunters must check in at the site check station beginning at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting ((1)):

Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office)

- k) Statewide regulations shall apply. A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

Ferne Clyffe State Park

- l) Statewide regulations will apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. ~~To be eligible for the drawing, an individual under the age of 16 must register with and hunt with an adult at least 18 years of age. All~~

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individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-call or first-come basis from the site office. All permit holders must sign in by ~~8:00~~6:30 a.m. at the site office for the North and East Mainland Area, by 6:30 a.m. for the Peninsula on the Friday of the first season and the Thursday of the second season and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning at ~~8:00 a.m.~~ immediately after the sign-in deadline. Check-in and check-out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl ~~on the Saturday and Sunday of the November deer season, the western shoreline of the west arm of the lake and the western half of the DOC-owned middle peninsula, the Peninsula~~ will be closed to deer hunting until ~~1:00 p.m.~~11:00 a.m. on the Saturday and Sunday of the November deer season, and the Friday, Saturday and Sunday of the December deer season. Firearm deer hunters on the North and East Mainland Areas may hunt during statewide hours during the entire firearm deer season.

Sangchris Lake Fish and Wildlife Area

- m) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the ~~Regional~~ District Office. Permits will be for Area A or Area B/C. Permits for Area A will be valid for the first 3-day deer season only; Area B/C permits will be valid for both seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.

Pike County Conservation Area

- n) Statewide regulations shall apply; the hunting date is ~~the last Saturday in January~~November 1, 1992. Hunters must have a special permit allocated by a mail-in drawing. Only paid firearm deer permit holders who were unsuccessful during the previous year's shotgun season possess a valid Union County firearm deer permit are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and

DEPARTMENT OF CONSERVATION
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sign out at the office before and after the day's hunt. Hunting will be allowed in designated areas only.

Silom Springs State Park

Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional office on October 19. Only persons who hold a valid Lake Shelbyville Project Lands-Shelby County permit are eligible to apply. Only one permit per person shall be allocated. Duplicate applications will be denied and the hunter will forfeit rights to obtain a site permit. Hunters must wear a site-specific back patch while hunting and deposit the back patch and harvest report at the site office at the end of the daily hunt.

Wolf Creek State Park

Statewide regulations shall apply. Hunters must have a special site-specific permit. The specific hunter qualifications, season dates and restrictions and allocation procedures for the special site specific permits will be publicly announced.

Rock Cut State Park

(Source:) Amended at 16 Ill. Reg. _____, effective

1)

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drawing dates will be included with the 1991 1992 Deer Firearm Permits for Union and Alexander Counties.

~~Horsehoe Lake Conservation Area (Alexander County permit holders only)~~

Union County Conservation Area (Union County permit holders only)

Statewide regulations shall apply; the hunting date is the last Saturday in January 1993. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1992 Deer Firearm Permits for Knox County.

Snakeden Hollow (Knox County permit holders only)

Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area; hunting dates are January 8, 9, and 10 1991, 11 and 12, 1992 1993 only; the area is closed to firearm deer hunting during the regular statewide seasons; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations; hunters under 16 years of age must be accompanied by an adult while hunting, the accompanying adult is exempt from provisions of 17 Ill. Adm. Code 510.10(c)(5).

Des Plaines Conservation Area

Statewide regulations shall apply. Hunting is open for the second firearm deer season only. Hunters must possess a valid permit for either Adams or Brown county. Hunters will be selected by a mail-in drawing held at the park office. All hunters are required to sign in and

1)

e-2)

1)

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- 1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles
- 2) CODE CITATION: 17 Ill. Adm. Code 660
- 3) SECTION NUMBERS:

660.10	Amendments
660.20	Amendments
660.21	Amendments
660.25	Amendments
660.30	Amendments
660.40	Amendments
660.45	Amendments
660.50	Amendments
660.60	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This Part is being amended to change 1992 season dates, allow hunters with muzzleloading rifle permits to hunt the second firearm deer season, allow hunters to obtain multiple full-season permits, describe the second-season permit and antlerless-only boxes on the application form, and to add special hunt areas.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

ent 08/14

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Don Woods
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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shall be accepted beginning ~~the first Monday of August 1 and ending August 14~~ of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.

- e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00.
- d)f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed proportionately (mail and over the counter receipts). All applications received on a specific day shall be processed before processing applications received for a subsequent day.
- e)g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.
- f)h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning ~~October 15~~, August

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1 and will be included with the residents in the Random Daily Drawing.

- g) ~~Anyone may apply as of November 1 for a muzzleloading rifle season permit (\$15.00 fee), issued in a random daily drawing, for any permits left over from the county quotas to hunt the muzzleloading rifle season. Only one permit shall be issued per applicant.~~
- i) There will be two application periods during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During both application periods, the permits shall be issued in a random daily drawing.
- 1) The first application period starts August 15 and ends August 31. Only one additional either-sex permit shall be issued per successful applicant during the application period. Applicants who have not previously been issued an either-sex permit may apply for and receive a maximum of two either-sex permits during this application period. A maximum of one bonus antlerless-only permit may be issued per either-sex permit issued. One full season antlerless-only permit can be issued to each applicant that has already received a full season either-sex permit. Applicants must print "August 15-Second Muzzleloader Permit" on the outside of the envelope and mark the "August 15-Muzzleloader Second Permit" box on the muzzleloading rifle deer permit application when applying for this permit.
- 2) The second application period starts September 1 and ends November 9. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits. Applicants submitting applications after November 9 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.
- h)j) Hunter preference in obtaining a muzzleloading rifle

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receiving available permits the following year.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits - Paid and Free

Unfilled free landowner and tenant firearm deer permits—either paid or free—issued pursuant to 17 Ill. Adm. Code 650.21, shall be valid only on lands owned/leased by the permit holder during the muzzleloading rifle season. However, the only valid weapon during the muzzleloading rifle season is a muzzleloading rifle which meets the requirements of Section 660.30.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 660.25 Deer Permit Requirements - Group Hunt

a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.

b) Each individual must sign his or her own application.

c) In order to receive preference of the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group shall not receive preference. The group leader's hunter number is the number identified in the hunter number field on the group leader's application mailer. If the application mailer is lost, the applicant should contact the Permit Office for the leader's hunter number.

d) Applicants applying as a group shall be rejected if they do not list the same first and second county choice and complete the group leader information listing the identical group leader.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

1) The applicant must apply using the official agency preprinted data-mailer application.

2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.

3) The applicant must apply for the same first-county choice which he/she listed on the previous year's application. Preference for a permit is valid only for the first county choice.

4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All first-county choices for the group must be identical.

+) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

+) Permits are not transferable. Refunds shall not be granted unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

+) A three dollar (\$3.00) 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.

+) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

+) Persons with lottery preferences (i.e., who did not receive a separate Muzzleloading Rifle Deer Permit during the previous year's lottery) shall have first chance at

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Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10).
- b) All other firearms are illegal.
- c) The standards and specifications for use of such muzzleloading firearm are as follows:
 - 1) The minimum size of the muzzleloading firearm projectile shall be .440 caliber (wad or sleeve is not considered part of projectile).
 - 2) Only black powder or Pyrodex may be used.
 - 3) Percussion caps or flint type ignition only may be used.
 - 34) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 660.40 Statewide Deer Hunting Rules

- a) Bag limits: one deer per legally authorized permit. The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Totally white, white-tailed deer are protected pursuant to Section 2.24 of the Wildlife Code (Ill. Rev. Stat. 1989-1991, ch. 61, par. 2.24) and are illegal to kill.

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- c) The Muzzleloading Rifle Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owner's Identification number, hunting license number and physical description recorded on the permit and be carried on the person while hunting.
- d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.
- e) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- f) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 660.45 Reporting Harvest

- a) Within 48 hours of taking a deer by muzzleloading rifle, the hunter must check the deer in at a county archery check station. However, hunters with a muzzleloading rifle deer permit hunting during the second firearm deer season must abide by regulations contained in 17 Ill. Adm. Code 650.40(d).
- b) Site specific reporting requirements must be followed in addition to this Section.
- c) Failure to follow this Section constitutes illegal possession of deer.

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hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. _____, effective

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number listed in subsections 660.60(c) through (h). Some of the sites in subsections 660.60(c) through (h). Section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the muzzleloading rifle deer season or as specified in 17 Ill. Adm. Code 670.60.

2) Only one tree stand is allowed per hunter.

c) Statewide regulations shall apply at the following sites:

AMAX Leased Lands

Cache River State Natural Area ((1) (2))

Carlyle Lake Wildlife Management Area except Subimpoundment Area

Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by 15 February (1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1) (2))

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(Source: Amended at 16 Ill. Reg. _____, effective

Section 660.50 Rejection of Application/Revocation of Permits

a) Any of the following shall result in rejection of an application in the event that an applicant is in violation of one of the following paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed

1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit:

2) Submitting more than one applications in the same name or by the same person for a muzzleloading rifle deer permit than allowed in Section 660.20. This Deer permit will also result in the forfeiture of application fees submitted.

3) ~~It is illegal to applying for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit or have received two either-sex archery deer permits.~~

4) Providing false and/or deceptive information on the deer permit application form.

5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.

b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of

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Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County
- all portions of the Public Hunting Area except the public goose hunting areas ((1) (2)) north of Route 3 only

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1) (2))

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 ((1) (2))

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1) (2))

Saline County Conservation Area ((1))

Sanganois Conservation Area ((1))

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15 ((1))

Union County Conservation Area - firing line management unit ((1) (2))

Wildcat Hollow State Park

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres Historic Site (hunting in designated areas only ((1) (2))

Giant City State Park

Mermet Conservation Area (no hunting in the

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waterfowl area) ((1) (2))

Pere Marquette State Park ((1))

Pyramid State Park

Trail of Tears State Forest ((1) (2))

Turkey Bluffs Fish and Wildlife Area ((1) (2))

Weinberg-King State Park

e) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every day for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Hidden Springs State Forest ((1) (2))Jubilee College State Park

Kickapoo State Park ((1) (2))

Middle Fork Fish and Wildlife Area ((1) (2))

Moraine View State Park

f) Statewide regulations shall apply, except hunters must check in and check out at the site check station ((1))

Sand Ridge State Forest

Tapley Woods State Natural Areag) ~~Hunting is permitted on the North Mainland Area Only; statewide regulations shall apply except hunters must check in and check out at the site check station. All individuals must possess a current Christian County or Sangamon County Muzzleloader Deer Permit.~~~~Sangehris Lake Fish and Wildlife Area~~g) Hunting is permitted the last four days of the statewide firearm deer season only and by special permit only. Permits will be allocated by a firearm deer permit mail-

NOTICE OF PROPOSED AMENDMENTS

In drawing at the site office. The registration

procedure, hunter quota and date for the drawing will be

announced by public news release. All individuals must

possess a current Christian County or Sangamon County

muzzleloading Rifle Deer Permit to be eligible for the

drawing. Special Sangchris Lake firearm deer permits

available after the drawing will be allocated on a first-

call or first-come basis from the site office. All

permit holders must sign in by 6:30 a.m. at the site

office for the North Mainland Area and East Mainland

Areas. Permit holders for the Peninsula Area must sign

in by 6:30 a.m. on the Thursday of the second statewide

firearm deer season, and by 9:30 a.m. all other days.

Daily vacancies will be filled on a first-come basis at

the site office beginning immediately after the sign-in

deadline. Check in and check out and reporting of deer

harvested is required of all hunters. To minimize safety

concerns regarding the simultaneous hunting of deer and

waterfowl, the Peninsula will be closed to deer hunting

until 11 a.m. on the Friday, Saturday and Sunday of the

December firearm deer season. Shotgun and muzzleloader

hunters on the North and East Mainland areas may hunt

during statewide hunting hours.

Sangchris Lake Fish and Wildlife Area

h)

Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional Office. Permits shall be valid for Area B/C only. Only one permit shall be valid for the season. Only one permit per person shall be issued. Any duplicate applications shall be denied and the hunter shall forfeit his rights to a permit.

Pike County Conservation Area

(Source: Amended at 16 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

HEADING OF THE PART: Woodcock, Snipe, Rail and Teal Hunting

CODE CITATION: 17 Ill. Adm. Code 740

SECTION NUMBERS: 740.10

PROPOSED ACTION: Amendments

740.20

Amendments

STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments are being made to adopt language used in Federal regulations to avoid conflicts of interpretation concerning the use of non-toxic shot; open seasons at Cache River State Natural Area, Chauncey Marsh and Union County Conservation Area; close seasons at Little River State Natural Area; and amend season and hunting hours on 3 state sites.

WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTSTITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 740
WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

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

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, ~~effective August 26, 1990~~) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) All persons in the field during the firearm deer season, hunting common snipe, rail and woodcock, in those counties for which an open season is established for the taking of deer by firearm, shall wear the same blaze orange clothing required for deer hunting pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, par. 2.26).

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DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- c) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.
- d) Woodcock
- 1) Hunting dates: October 1 - December 4
 - 2) Hunting hours: Sunrise to Sunset
 - 3) Daily limit: 5
 - 4) Possession limit: 10 after the 1st hunting day
- e) Snipe (Common)
- 1) Hunting dates: September 1 - December 16
 - 2) Hunting hours: Sunrise to Sunset
 - 3) Daily limit: 8
 - 4) Possession limit: 16 after the 1st hunting day
- f) Rail (Sora and Virginia)
- 1) Hunting dates: September 1 - November 9
 - 2) Hunting hours: Sunrise to Sunset
 - 3) Daily limit: 25
 - 4) Possession limit: 25
- g) Teal
- 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, ~~effective August 25, 1987~~; 50 CFR 20.104, ~~effective August 25, 1987~~; 50 CFR 20.105, ~~effective August 25, 1987~~; 50 CFR 20.106, ~~effective August 25, 1987~~; and 50 CFR 20.109, ~~effective August 25, 1987~~), unless the regulations in this Part are more restrictive.
 - 2) 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

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend -- Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

~~Little Black Slough State Natural Area~~

~~Lower Cache River State Natural Area~~

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes on day before permit

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

pheasant season; 8:00 a.m. to 4:00 p.m.)

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park

Red Hills (statewide hours until upland game season, then 8:00 a.m. - ~~4:00 p.m.~~ statewide closing)

Rend Lake Project Lands and Waters

Rice Lake (during teal season only, hours are sunrise until noon; no woodcock hunting)

Rockhouse Creek (Monroe County)

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

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

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

Sand Ridge State Forest (During the controlled quail and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closes at noon)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

firearm deer season) Lake Shelbyville Eagle Creek Wildlife Management Area

Real hunting; statewide regulations as provided for in this part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chanucey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; must return permit by February 15)

Des Plaines Conservation Area (Des Plaines River Waterway Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(p); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Bidon Hazlet State Park (North of Allen Branch only)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Kaskaskia River Fish and Wildlife Area

Lake Shelbyville Fish and Wildlife Area

Lake St. Clair Conservation Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

DEPARTMENT OF CONSERVATION

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Shawnee National Forest, Oakwood Bottoms (GreenTree Reservoir west of Big Muddy Levee, closes at noon)

Site K (open weekends only as publicly announced by the Department in the news media; no fall hunting)

Stephen Forbes State Park

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

Ten Mile Creek Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450).

Trial of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (firing line Management Unit only)

Washington County Conservation Area (no fall hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

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

Eagle Creek State Park (snipe and fall hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Rend Lake Project Lands and Waters (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest, ~~Bluff Lakes~~

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Union County ~~Public Hunting~~ Conservation Area

Woodford County Conservation Area

(Source: Amended at 16 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Reading Improvement Program
- 2) Code Citation: 23 Ill. Adm. Code 260
- 3) Section Numbers: 260.40 Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.51, as amended by P.A. 87-280, effective September 4, 1991.
- 5) A Complete Description of the Subjects and Issues Involved:
The proposed amendments eliminate certain restrictions from the rules regarding the use of Reading Improvement Program funds to pay for salaries of reading specialists and teacher aides.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 9: SPECIAL COURSES OF STUDY

PART 260

READING IMPROVEMENT PROGRAM

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

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

Section 260.10. Definitions
260.20. Purpose
260.30. Eligible Applicants
260.40. Allowable Expenditures
260.50. Procedure and Criteria for Approval of Applications
260.60. Allocation of Funds
260.70. Distribution of Grant Awards

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.51, as amended by P.A. 87-280, effective September 4, 1991).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 111. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 260.40 Allowable Expenditures

a) Allowable expenditures consist of expenditures for reading specialists, teacher aides and other personnel and for the acquisition of books and other printed materials to the extent provided in Section 2-3.51 of the School Code and this part.

b) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING READING SPECIALISTS, PROVIDED THAT NO SUCH PAYMENT SHALL BE MADE FOR MORE THAN ONE READING SPECIALIST FOR EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE PAYMENT FOR MORE THAN ONE READING SPECIALIST FOR EACH IS CERTIFICATED TEACHERS, OR MAJOR FULL-TIME EQUIVALENT PORTION THEREOF, EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING TEACHER AIDES, PROVIDED THAT NO SUCH PAYMENT SHALL EXCEED THE LESSER OF THE ACTUAL SALARIES PAID BY A SCHOOL DISTRICT TO ITS TEACHER AIDES EMPLOYED PURSUANT TO THIS PART, OR ONE-THIRD (1/3) OF THE MINIMUM STARTING TEACHER SALARY IN THE DISTRICT PER TEACHER AIDE SO EMPLOYED, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT SHALL BE ELIGIBLE TO BE PAID UNDER THIS SECTION FOR MORE THAN ONE TEACHER AIDE FOR EACH 3 CERTIFICATED TEACHERS EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX (Section 2-3.51 of the the School Code).
- d) Each person employed as a teacher aide pursuant to this Part must work under the supervision of a certificated teacher, and, as a condition precedent to such that employment, either shall have earned at least 30 semester hours of college credit or shall have successfully completed a Teacher Aide Program at an institution approved by the State Board of Education pursuant to 23 Ill. Adm. Code 25.540 (Certification).

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1120
- 3) Section Numbers: Proposed Action:
1120.80 New Section
- 4) Statutory Authority: Section 5(h) of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1705(h); Section 15 of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1715, as amended by P.A. 86-412, effective January 1, 1992.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to the Illinois Educational Labor Relations Board's rules implements the amendment to Section 15 of the Illinois Educational Labor Relations Act that was enacted in Public Act 86-412. The proposed amendment to the Agency's rules sets forth the standards under which sanctions can be recommended by the Executive Director or an Administrative Law Judge, and can be ordered by the Illinois Educational Labor Relations Board in unfair labor practice proceedings. The proposed amendment to the Agency's rules also sets forth the procedures governing requests for such sanctions and the procedures under which the Agency will determine if sanctions are warranted.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, pars. 1701, et seq., in a manner consistent with the amendment to Section 15 of the Act, Ill. Rev. Stat. (1989), ch. 48, par. 1715, enacted in Public Law 86-412, effective January 1, 1992, which provides that the Illinois Educational Labor Relations Board may order appropriate sanctions in unfair labor practice proceedings; to establish procedures for parties to request such sanctions; and to establish procedures under which the Board will determine whether such sanctions are warranted.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: LOCAL AND INTERJURISDICTIONAL DISASTER PREPAREDNESS PLANS
- 2) Code Citation: 29 Ill. Adm. Code Part 205
- 3) Section Numbers: 205.10 Amend
205.20 Amend
205.30 Amend
205.40 Amend

4) Statutory Authority: Illinois Emergency Services and Disaster Agency Act of 1988, [Ill. Rev. Stat. 1989, ch. 127, pars. 1055f(4) and 1060], as amended by PA 87-168.

5) A Complete Description of the Subjects and Issues Involved: This rule clarifies the requirements for the emergency operations plans of statutorily mandated ESDAs and those developed by discretionary municipal ESDAs.

6) Will this proposed rule replace any emergency rule currently in effect: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: No Change

11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: In writing, within 14 days of the publication of this proposed amendment in the Illinois Register to:

Thomas F. Zimmerman
Illinois Emergency Management Agency
110 E. Adams
Springfield, Illinois 62706

12) Initial Regulatory Flexibility Analysis: This rule does not apply to small businesses.

ILLINOIS REGISTER

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by sending written comments to Chief Administrative Law Judge David A. Youngerman (20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606-2901). The deadline for receipt of such documents is April 24, 1992.

12) Initial Regulatory Flexibility Analysis: Not Applicable

The full text of the proposed amendments is identical to the text of the emergency amendments which appears in this issue of the Register on page 6054

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY SERVICES AND DISASTER AGENCY
SUBCHAPTER b: STATE AND LOCAL DISASTER PLANS

PART 205

~~LOCAL AND INTERJURISDICTIONAL DISASTER~~
~~PREPAREDNESS~~ EMERGENCY OPERATIONS PLANS

Section	
205.10	Purpose
205.20	Definitions
205.30	General Provisions
205.40	Minimum Requirements

AUTHORITY: Implementing Sections 5 and 10 and authorized by Section 5f(4) of the Illinois Emergency Services and Disaster Agency Act of 1988, [Ill. Rev. Stat. 1989, ch. 127, pars. 1055f(4) and 1060], as amended by PA 87-168, effective January 1, 1992.

SOURCE: Adopted and codified at 8 Ill. Reg. 11347, effective June 26, 1984. Amended at _____ Ill Reg. _____, effective _____.

Section 205.10 Purpose

The purpose of this Part is to establish requirements for local and ~~interjurisdictional disaster preparedness~~ emergency operations plans.

SOURCE: Amended at 16 Ill. Reg. _____, effective _____.

Section 205.20 Definitions

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or ~~man-made~~ technological cause, including but not limited to fire, flood, earthquake, wind, storm, ~~oil~~ hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action. ~~"Disaster" includes but is not limited to all occurrences and threats thereof which are contemplated by the concept of "Emergency Services,~~

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

the plan. Notice of approval or disapproval will be provided within 60 days unless an actual emergency has occurred and is currently occupying the Regional Coordinator.

- g) If the plan is disapproved, a written list of deficiencies and suggested means of remediation will be provided to the ESDA Coordinator. The jurisdiction will have 90 days after receipt of the disapproval to remediate the plan and resubmit it. The Regional Coordinator will arrange for technical assistance in remediating the plan.

SOURCE: Amended at 16 Ill. Reg. _____, effective _____

Section 205.40 Minimum Requirements

- a) Local and interjurisdictional disaster preparedness plans jurisdictions that are required by statute to maintain an ESDA or choose to participate in federal funding programs must develop and maintain an emergency operations plan that contain the following elements:
 - 1) ~~A statement of the purpose of the plan,~~
 - 2) ~~A statement of the jurisdiction's authority to write the plan (the local ESDA ordinance, The Illinois Emergency Services and Disaster Agency Act of 1975),~~
 - 3) ~~A description of hazards to the jurisdiction,~~
 - 4) ~~Operating procedures for disaster response and recovery,~~
 - 5) ~~Responsibilities of disaster response organizations,~~
 - 6) ~~Provisions for continuity of government,~~
 - 7) ~~Line of succession by position (if not in ordinance),~~
 - 8) ~~Provisions for activation and implementation of the plan (who, under what circumstances),~~
 - 9) ~~Procedures for requesting state and federal assistance,~~
 - 10) Descriptions of the following functions:
 - A) ~~Communications and Warning~~
 - B) ~~Damage Assessment~~
 - C) ~~Emergency Medical Service~~
 - D) ~~Emergency Operating Center~~
 - E) ~~Evacuation~~
 - F) ~~Fire, Search and Rescue~~
 - G) ~~Law Enforcement~~

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~H) Public Information~~
- ~~I) Public Health~~
- ~~J) Public Works~~
- ~~K) Radiological Defense~~
- ~~L) Shelter~~
- ~~M) Welfare~~

- ~~11) Description of agreements, including but not limited to mutual aid agreements and memoranda of understanding,~~
- ~~12) Description of resources,~~
- ~~13) Organizational chart (day-to-day and emergency basis),~~
- ~~14) Personnel Directory listing key officials having disaster response roles as identified by the principal executive officer. This list of key local officials shall be current as of each update,~~
- ~~15) Map of jurisdiction,~~
- ~~16) Provisions for exercising the plan which shall include identification of the person coordinating the exercise, in conjunction with the annual tornado drill or similar exercise, and the proposed dates of the exercises,~~
- ~~17) provisions for updating the plan.~~

conforms to the current standards for plans as promulgated by the Federal Emergency Management Agency (FEMA) in the publication the Civil Preparedness Guide (CPG) 1-8A, "Guide for the Review of State and Local Emergency Operations Plans," or its designated replacement.

- b) The jurisdiction will complete Chapter 2 of CPG 1-8A or a comparable federally-approved state document and submit it with the plan and update.
- c) IESDA IEMA will approve the plan provided that each element on the preceding list is addressed. Note that the listed requirements are the minimum requirements for the plan the criteria in CPG 1-8A, its replacement, or a comparable state publication are met.
- d) For those jurisdictions not required by statute to have an ESDA but elect to do so, the following minimum plan standards must be included:

- 1) A dated letter of approval signed by the jurisdiction's Principal Executive officer,
- 2) A statement of the jurisdiction's authority to write the plan (the local ESDA ordinance, the Illinois Emergency Management Act),

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and the ESDA Coordinator not more than 60 days prior to submission to the RC. The Regional Coordinator will approve the plan if all the elements listed in Section 205.40 d) are contained in the plan. This copy of the plan and update will be forwarded to the appropriate County ESDA for retention.

SOURCE: Amended at 16 Ill. Reg. effective

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

3) Provisions for activation and implementation of the plan (who is responsible and under what circumstances).

4) Procedures for requesting county, state and federal assistance.

5) Provisions for continuity of government. A) Line of succession by position (if not in ordinance).

6) Provisions for updating the plan.

7) Provisions for exercising the plan.

8) Map of jurisdiction.

9) Organizational chart (day-to-day and emergency basis).

10) The jurisdiction's point of contact for emergency services.

A) Personnel Directory listing key officials having disaster response roles as identified by the principal executive officer. This list of key local officials shall be current as of each update.

11) The means of notifying the jurisdiction's emergency response organizations.

12) Responsibilities of disaster response organizations, including those volunteer and private organizations that agree to assist.

13) Listing of resources.

14) Listing of agreements, including but not limited to mutual aid agreements and memoranda of understanding between the municipality and their county government.

e)

Each local plan and each plan update developed under Section 205.40 d) must be submitted to the RC for approval based on requirements set forth in that section. The plan and the update shall be signed and dated by the principal executive officer of the political subdivision

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION
- 2) Code Citation: 2 Ill. Adm. Code 1800
- 3) Section Numbers:

1800.10	Amend
1800.20	Amend
1800.100	Amend
Illustration A	Amend

Proposed Action:
- 4) Statutory Authority: Illinois Emergency Services and Disaster Agency Act of 1988, [Ill. Rev. Stat. 1989, ch. 127, par. 1106(c)(1)], as amended by PA 87-168.
- 5) A Complete Description of the Subjects and Issues involved: This rule clarifies the name change for the agency and the organizational changes made.
- 6) Will this proposed rule replace any emergency rule currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No Change
- 11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: In writing, within 14 days of the publication of this proposed amendment in the Illinois Register to:

Director
 Illinois Emergency Management Agency
 110 E. Adams
 Springfield, Illinois 62706

- 12) Initial Regulatory Flexibility Analysis: This rule does not apply to small businesses.

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

11/21/92

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER XIII: ~~EMERGENCY SERVICES AND DISASTER AGENCY~~
ILLINOIS EMERGENCY MANAGEMENT AGENCY

PART 1800
 PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
1800.10	Public Requests
1800.20	Public Submissions

SUBPART B: RULEMAKING

Section	
1800.100	Procedure
1800.110	Public Hearings

SUBPART C: ORGANIZATION

Section	
1800.200	Director
1800.210	Duties and Organization of the Agency

ILLUSTRATION A Agency Organization

AUTHORITY: Implementing Section 4.01 of the Illinois Administrative Procedure Act (~~Ill. Rev. Stat. 1981, ch. 127, par. 1004.01~~) (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01) and authorized by ~~Section 7(e)(1) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. ch. 127, par. 1107(e)(1))~~ Section 6(c)(1) of the Illinois Emergency Management Act (Ill. Rev. Stat. 1989, ch. 127, par. 1106 (c)(1), as amended by PA 87-168, effective date January 1, 1992.)

SOURCE: Adopted and codified at 7 Ill. Reg 14968, effective October 26, 1983; amended at _____ Ill Reg. _____, effective _____.

SUBPART A: PUBLIC INFORMATION

Section 1800.10 Public Requests

Any interested person should submit a request for information in writing. The request should include a complete description of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

repeal, and the exact language of the new rules or amendment.

c) The Agency shall comply with rulemaking procedures contained within the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.)

(Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.).

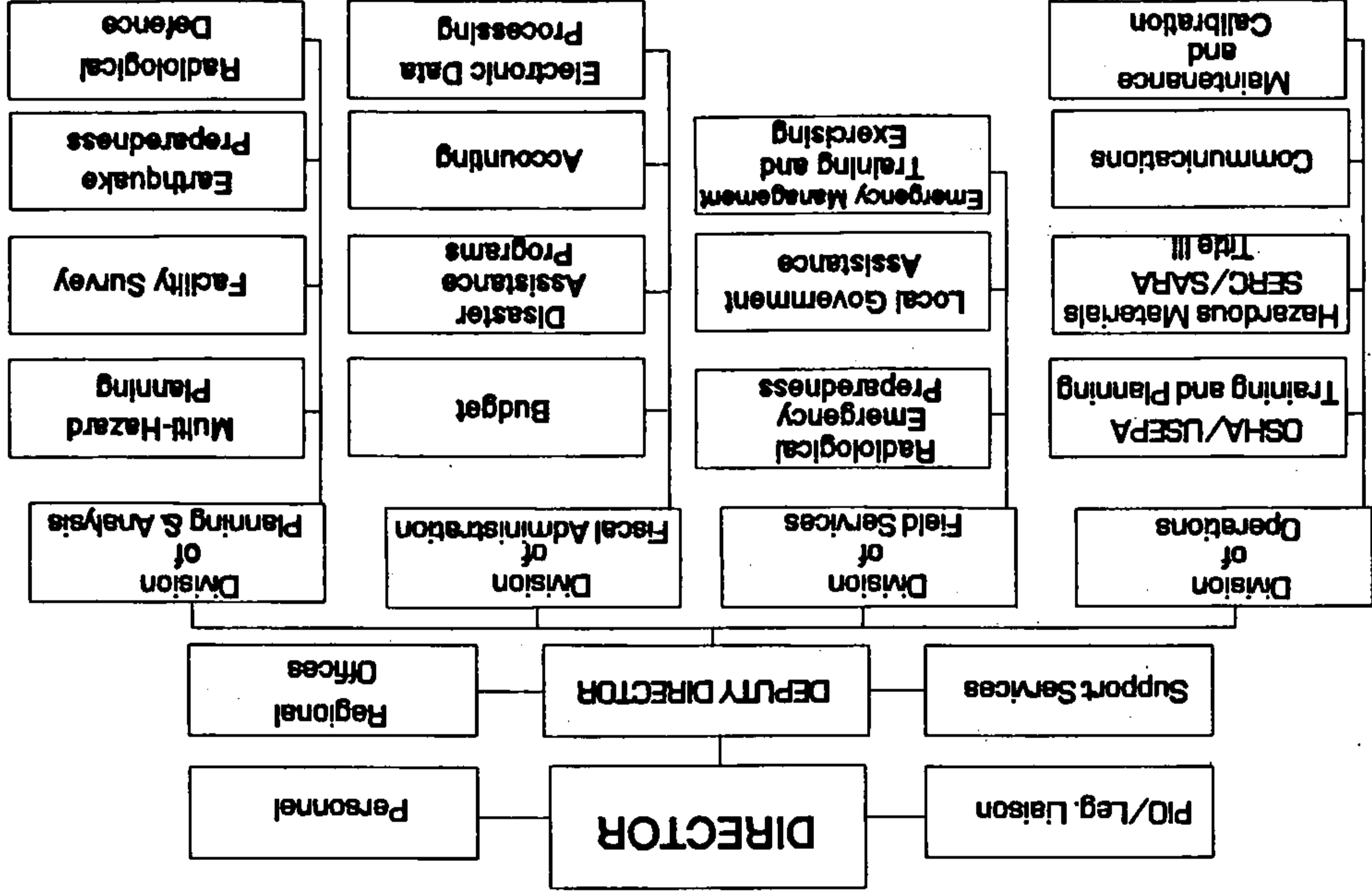
d) Rules adopted by the Agency shall be available for public inspection during normal working hours at 110 East Adams Street Springfield, Illinois.

SOURCE: Amended at 16 Ill. Reg. _____, effective _____

SUBPART C: ORGANIZATION

Section 1800.100. ILLUSTRATION A Agency Organization

ILLINOIS EMERGENCY MANAGEMENT AGENCY



SOURCE: Amended at 16 Ill. Reg. _____, effective _____

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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the information requested, the reason for the request, and, when applicable, timing requirements. Requests should be directed to: Director

Illinois Emergency Services and Disaster Agency

Freedom of Information Officer

Illinois Emergency Management Agency

Springfield, Illinois 62706

SOURCE: Amended at 16 Ill. Reg. _____, effective _____

Section 1800.20 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities to the Director of the Agency in writing to:

Director

Illinois Emergency Services and Disaster Agency

Illinois Emergency Management Agency

Springfield, Illinois 62706

SOURCE: Amended at 16 Ill. Reg. _____, effective _____

SUBPART B: RULEMAKING

Section 1800.100 Procedure

a) Rules may be proposed by the Director and members of the Executive Staff Senior Agency Personnel in consultation with their divisions.

b) Any interested person may petition the Director to make, amend, or repeal a rule.

1) The petition should be directed to:

Director

Illinois Emergency Services and Disaster Agency

Illinois Emergency Management Agency

110 East Adams Street

Springfield, Illinois 62706

2) The petition should contain a clear statement of the reasons for the proposed rule, amendment, or

DEPARTMENT OF ENERGY AND NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 600
- 3) Section Numbers: Proposed Action:
600.10 New Section
600.20 New Section
600.30 New Section
600.40 New Section
600.50 New Section
600.60 New Section
600.70 New Section
- 4) Statutory Authority: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).
- 5) A Complete Description of the Subjects and Issues Involved:

As required by the Americans with Disabilities Act of 1990, these proposed rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services on the basis of disability.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

ILLINOIS REGISTER

DEPARTMENT OF ENERGY AND NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Stanley Yonkausk, Jr.
Chief Legal Counsel
Department of Energy and Natural Resources
325 W. Adams, Room 300
Springfield, Illinois 62704-1892
(217) 785-2780

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 30, 1992
 - B) Types of small businesses affected: The grievance procedure set forth in this Part is not applicable to small business.
 - C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
 - D) Types of professional skills necessary for compliance: None

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

NOTICE OF PROPOSED RULES

c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 600.20 Definitions

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

b) Complainant "Complainant" is an individual with a disability who files a Grievance Form provided by the Department under this procedure.

c) Designated Coordinator

"Designated Coordinator" is the person(s) appointed by the Department Director who is/are responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

Section 600.30 Procedure

a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner.

Law School Library

NOTICE OF PROPOSED RULES

TITLE 4 : DISCRIMINATION PROCEDURES
CHAPTER XXI: DEPARTMENT OF ENERGY AND NATURAL RESOURCES

PART 600

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____, Section 600.10 Purposes

a) The Americans with Disabilities Act Grievance Procedure (hereinafter referred to as "Procedure") is established pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., (hereinafter referred to as "ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.

b) In general, the ADA requires that each program, service, and activity offered by the Department of Energy and Natural Resources (hereinafter referred to as "Department"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

DEPARTMENT OF ENERGY AND NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.

- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's last response.
- c) The Department shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 600.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within ten (10) business days after receipt of the Grievance Form.

Section 600.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five

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DEPARTMENT OF ENERGY AND NATURAL RESOURCES

NOTICE OF PROPOSED RULES

(5) business days after receipt by the complainant of the Designated Coordinator's response.

- b) The Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the panel's recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act, Ill. Rev. Stat. 1989, ch. 116, par. 43.3 *et seq.*, or as otherwise required by law.

Section 600.60 Accessibility

The Department shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

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ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

James K. Walsh
Grant Manager
Illinois Historic Preservation Agency
Old State Capitol
Springfield, IL 62701

- 12) Initial Regulatory Flexibility Analysis: The Illinois Historic Preservation Agency has determined that this rule will not affect small businesses.

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

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER VI: ILLINOIS HISTORIC PRESERVATION AGENCY
PART 4170:
RULES FOR ILLINOIS HERITAGE GRANT PROGRAM

SUBPART A: GENERAL

Section	
4170.100	Purpose of Rules
4170.110	Definitions
4170.120	Incorporations by Reference
4170.130	Applicability

SUBPART B: GRANT PROCEDURES

Section	
4170.200	Notice of Availability
4170.250	Sponsor and Owner Qualifications
4170.300	Amount of Grant Award
4170.400	Project Work Standards
4170.500	Project Eligibility
4170.550	Cost Eligibility
4170.600	Covenant
4170.700	Sponsor's Share of Project Costs
4170.800	Selection Criteria

AUTHORITY: Implementing and authorized by Section 16 of the Illinois Historic Preservation Act (Ill. Rev. Stat. 1990, ch. 127, par. 2716r).

SOURCE: Adopted at _____ Ill. Reg. _____; effective _____.

SUBPART A: GENERAL

Section 4170.100 Purpose of Rules

To set forth the practice and procedures for the Illinois Historic Preservation Agency to award Illinois Heritage Grants for the restoration/repair of historic structures.

Section 4170.110 Definitions

The following definitions shall apply to these rules:

"Agency": Illinois Historic Preservation Agency.

"In-kind contributions": The value of noncash contributions provided by the sponsor or third parties, in-kind contributions may consist of charges for nonexpendable personal property and the value of goods and services directly benefiting and specifically identifiable to approved objectives of the grant support project.

NOTICE OF PROPOSED RULES

"Not-for-Profit Corporation": A Corporation organized pursuant to the general not-for-profit act of 1986 (Ill. Rev. Stat. 1989, Ch. 32, Pars. 101.01 et seq., as amended).

Section 4170.120 Incorporations by Reference

- a) The definition and interpretation of criteria for the National Register of Historic Places as found in Section 101 of the National Historic Preservation Act of 1966, as amended (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470) and its implementing regulations, 36 CFR part 60.
- b) Minimum acceptable work standards for this program are found in the Secretary of the Interior's "Standards for Rehabilitation", 36 CFR part 67.

Section 4170.130 Applicability

These rules apply to all organizations applying for an Illinois Heritage Grant.

SUBPART B: GRANT PROCEDURES

Section 4170.200 Notice of Availability

On or before September 1, in any given year, the agency will publish in the official State newspaper, a notice stating the total amount of funds available, the maximum dollar amount of each grant, the applications deadline date, and where applications can be obtained.

Section 4170.250 Sponsor and Owner Qualifications

The sponsor of the project and the owner of the structure must be either a government or a not-for-profit corporation.

Section 4170.300 Amount of Grant Award

The amount of any grant award will not exceed 50% of the total project cost. The maximum dollar amount of any award will not exceed \$50,000.00.

Section 4170.400 Project Work Standards

- a) All project work completed during the project period must be completed in accordance with the Secretary of the Interior's "Standards for Rehabilitation" (revised 1990).

NOTICE OF PROPOSED RULES

Section 4170.500 Project Eligibility

- a) A structure is eligible for grant assistance if it is listed in the National Register of Historic Places.
- b) A structure is eligible for grant assistance if it is listed in the National Register of Historic Places as a contributing structure to a National Register Historic District or is determined to be a contributing structure to a National Register Historic District.

Section 4170.550 Cost Eligibility

Eligible costs are for the construction phase of the project only. Architect fees, attorney fees, printing fees, and all other administrative fees will not be reimbursed.

Section 4170.600 Covenant

- a) Any project assisted with grant funds must have a preservation covenant attached to the property deed. The covenant shall include, at a minimum:

1) ten year period,

2) continued maintenance on the structure for the length of the covenant,

3) a provision that the property will be open to the public a minimum of twelve days per year if the project work is not clearly visible from a public right-of-way.

b) The covenant must be filed with the recorder of deeds and a certified copy must be forwarded to the Agency before final reimbursement is made.

Section 4170.700 Sponsor's Share of Project Costs

The sponsor's share of project costs may consist of cash, in-kind contributions, or a combination of both.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

Section 4170.800 Selection Criteria

- a) Threatened National Historic Landmark - Is the building a national historic landmark and is it in imminent danger of being destroyed or irreparably damaged?
- b) Structural Integrity - Is the building structurally sound?
- c) Comprehensive Preservation Plan - Is there a preservation plan for the building and does this project fit into the plan?
- d) Life Safety - Is there an imminent life safety threat to persons in or around the building?
- e) Administrative Ability of the Sponsor - The known ability or inability of a sponsor to administer the project. Performance on past projects will be used for this criterion.
- f) Exterior vs. Interior Work - A higher priority will be given to those projects which are exterior and clearly visible from a public right-of-way.
- g) Financial Need - The ability or inability to accomplish the work without the grant.

NOTICE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: PRIMARY DRINKING WATER STANDARDS
- 2) Code Citation: 35 Ill. Adm. Code 611
- 3) Section Numbers:

611.101, 611.102, 611.110, 611.111	Amended
611.112	Amended
611.295, 611.296	New Sections
611.300	Amended
611.301	New Section
611.310, 611.311, 611.526	Amended
611.591, 644.592	Renumbered
611.600	New Section
611.601	Amended
611.602, 611.603	Renumbered, New Sections
611.604, 611.605	New Sections
611.606, 611.607	Amended
611.608, 611.609	New Sections
611.610	Renumbered, New Section
611.611	New Section
611.630	Renumbered
611.631, 611.640	New Section
611.641, 611.645	Amended
611.646	New Section
611.647	Renumbered and Amended
611.648	Renumbered, New Section
611.650, 611.657	Repealed
611.658	New Section
611.851, 611.Appendix A	Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1017.5 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-3, on March 11, 1992. A copy of the Proposed Opinion is available from the address below.

Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1017.5) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 1412(b), 1414(c), 1417(a) and 1445(a) of the federal Safe Drinking

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ethylene dibromide
lindane
methoxychlor
polychlorinated biphenyls
toxaphene
2,4,5-TP

The MCLs for heptachlor, heptachlor epoxide and 2,4-D are retained in Section 611.310.

- 611.526 "MMO-MUG" test is approved for total coliform.
- 611.600 The "detection limits" are defined by implication in 40 CFR 141.23(a)(4)(i).
- 611.601(a)-(c) The Board has defined the term "mixed system" to described PWSs which draw water both from surface water sources (SWSs) and groundwater sources (GWSs). GWSs are required to take a sample at each "entry point" to the distribution system. SWSs and mixed systems may take samples either at entry points, or within the distribution system. The Agency is allowed to designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure. The Agency must approve alternate sampling points if the supplier demonstrates that the points are "more representative" than the generally required point. Samples are required to be "representative", meaning that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be "representative", a sample must be taken under "normal seasonal operating conditions". The total number of sampling points must be representative of the water delivered to users throughout the system.
- 611.601 The Board has not proposed to allow the use of composite samples from multiple sampling locations.
- 611.602 Asbestos monitoring requirements.

MAY 1980

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.602(b) The Agency may grant "waivers" of asbestos monitoring for as much as nine years.
- 611.602(c) The Agency can grant a "waiver" if it determines that the CWS is not vulnerable to contamination either from asbestos in its source water or from corrosion of asbestos-cement pipe. The Agency is to consider: Potential asbestos contamination of the water source, and the use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
- 611.602(i) Suppliers are required to monitor quarterly for asbestos if the MCL is exceeded. Monitoring frequency is reduced if the Agency determines that contamination is "reliably and consistently" below a certain level. The supplier returns to quarterly monitoring if subsequent monitoring indicates a level in excess of the level at the time the "reliably and consistently" determination was made.
- 611.603 Monitoring for cadmium, chromium, fluoride mercury and selenium.
- 611.603(b)-(f) Agency can grant three or six year "waivers" from this monitoring requirement.
- 611.603(g) Quarterly monitoring for a contaminant at a sample point if the MCL is exceeded for that contaminant.
- 611.603(h) Monitoring frequency is reduced if the Agency determines that contamination is "reliably and consistently" below MCL. The supplier returns to quarterly monitoring if subsequent monitoring indicates a level in excess of the level at the time the "reliably and consistently" determination was made.
- 611.604 Nitrate monitoring is annual for GWSs and quarterly for SWSs and mixed systems.
- 611.604(b) Quarterly monitoring for GWSs for nitrate if a single sample is 50% or more of the MCL. Monitoring frequency is reduced if the Agency determines that contamination is "reliably and consistently" below a certain level. The

NOTICE OF PROPOSED AMENDMENTS

611.610 The Agency is to use SEPs to specify the time (i.e., day, month and year) on which monitoring is to occur.

611.611(a)

Required analytical methods. 40 CFR 141.23(k), note 11, provides that "the technique applicable to total metals must be used". It is unclear to what contaminants this applies.

611.611(d)

40 CFR 141.23(k)(4), note 1, establishes an alternative sample preservation technique. It is unclear to what this applies.

611.631

This section establishes monitoring requirements for the following inorganic contaminants for which there is, as yet, no MCL:

- Antimony
- Beryllium
- Nickel
- Sulfate
- Thallium
- Cyanide

611.631(e)

Should these samples be taken at exactly the same points as required in Section 611.603?

611.631

The Board has not proposed to require confirmation samples. It is unclear what event should trigger a confirmation sample in the absence of an MCL.

611.631(f)

Should suppliers with fewer than 150 connections be required to sample?

611.631(1)

Should ASTM and "Standard Methods" analytical methods be allowed?

611.640

The Board has defined the term "mixed system" to describe PWS which draw water both from surface water sources (SMS) and groundwater sources (GWS).

611.641

This Section governs monitoring for the contaminants remaining in Section 611.310: Aldrin, 2,4-D, DDT, Dieldrin, Endrin, Heptachlor and Heptachlor epoxide.

NOTICE OF PROPOSED AMENDMENTS

611.604(c) Annual monitoring for SMS and mixed systems if the Agency determines that contamination is "reliably and consistently" below a certain level. The supplier returns to quarterly monitoring if subsequent monitoring indicates a level in excess of the level at the time the "reliably and consistently" determination was made.

611.605

Nitrite monitoring.

611.605(a)

GWSS monitor each compliance period; SMS and mixed systems, annually.

611.605(c)

Quarterly monitoring is required following a single sample at 50% or more of the MCL. Monitoring frequency is reduced if the Agency determines that contamination is "reliably and consistently" below the MCL. The supplier returns to quarterly monitoring if subsequent monitoring indicates a level in excess of the level at the time the "reliably and consistently" determination was made.

611.606

The Board has proposed to require confirmation samples for positive results. Resampling is required within certain time limits after the supplier learns of an analytical result. The Agency is authorized to delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample. The Agency is to delete erroneous data, whether the error is "obvious" or not.

611.608

Suppliers need no prior approval before conducting additional monitoring, but the results must be reported to the Agency.

611.609

The supplier is required to give notice to only the portion of a separable system which is out of compliance.

Law School Library

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.645 The Board has proposed to consolidate all of the analytical methods in Section 611.648(1), below. For the "additional State contaminants", this is done by a cross reference.
- 611.646 This Section now governs monitoring for the "ten organic contaminants":
- o-Dichlorobenzene
 - cis-1,2-Dichloroethylene
 - trans-1,2-Dichloroethylene
 - 1,2-Dichloropropane
 - Ethylbenzene
 - Monochlorobenzene
 - Styrene
 - Tetrachloroethylene
 - Toluene
 - Xylene.
- 611.646(a)-(c) GWSSs are required to take a sample at each "entry point" to the distribution system. SWSSs and mixed systems may take samples either at entry points, or within the distribution system. The Agency is allowed to designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure. The Agency must approve alternate sampling points if the supplier demonstrates that the points are "more representative" than the generally required point. Samples are required to be "representative", meaning that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be "representative", a sample must be taken under "normal seasonal operating conditions". The total number of sampling points must be representative of the water delivered to users throughout the system.
- 611.646(d) Suppliers are required to take four consecutive quarterly samples during each compliance period.
- 611.646(e) If none of the "ten" are detected, annual

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- monitoring is required.
- 611.646(f)-(j) The Agency can issue "waivers" of the monitoring requirements for the "ten". "Waivers" are for three to six years. They depend in part on a "vulnerability assessment". The Agency specifies a monitoring frequency, based in part on the "vulnerability assessment." "Waivers" may not be available to small systems which could connect into larger systems.
- 611.646(k) If a supplier detects one of the "ten organics", the supplier must move to quarterly monitoring, for that contaminant, at the sampling point at which the contaminant was detected. "Detection" is defined in Section 611.646(a).
- 611.646(l) Quarterly monitoring for a contaminant is also required if the supplier exceeds the MCL for that contaminant.
- Monitoring frequency is reduced if the Agency determines that contamination is "reliably and consistently" below the MCL. The supplier returns to quarterly monitoring if subsequent monitoring indicates a level in excess of the level at the time the "reliably and consistently" determination was made.
- 611.646(m) The Board has proposed to require confirmation samples if one of the ten organics is detected. Resampling is required within certain time limits after the supplier learns of an analytical result. The Agency is authorized to delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample. The Agency is to delete erroneous data, whether the error is "obvious" or not.
- 611.646 The Board has not proposed to allow the use of composite samples from multiple sampling locations.
- 611.646(o) Samples below the detection limit are averaged as "zeros". The supplier is

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POLLUTION CONTROL BOARD

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- 611.648(h) If a supplier violates one of the MCLs for the "eleven pesticides and PCBs", quarterly monitoring is required at that sampling point for that contaminant, for a minimum of four quarters.
- 611.648(i) The Board has proposed to require confirmation samples if one of the "eleven pesticides and PCBs" is "detected". Resampling is required within certain time limits after the supplier learns of an analytical result. The Agency is authorized to delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample. The Agency is to delete erroneous data, whether the error is "obvious" or not.
- 611.648(k) This subsection governs averaging. The supplier is required to give notice to only the portion of a separable system which is out of compliance.
- 611.648(l)-(m) These subsections specify analytical methods for the "eleven pesticides and PCBs", and for some of the "additional State contaminants".
- 611.648(m) Once "PCBs" are "detected" in gross, as defined in Section 611.648(r), the sample has to be analyzed for the seven arochlors individually. The "detection" only counts as a "detection" if one (or more) of the individual detection limits of this subsection are exceeded.
- 611.648(n) Prior data is limited to that which was collected pursuant to Agency sample requests, after the effective date of the USEPA rules, but before the effective date of these rules.
- 611.648(o) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
- 611.648(q) The Agency is to use SEPs to specify the time (i.e., day, month and year) on which

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- monitoring is to occur.
- 611.648(r) This is the primary definition of "detected" for the "eleven pesticides and PCBs". If PCBs are detected in gross, Section 611.648(m) specifies detection limits for individual PCBs.
- 611.650 The Board has proposed to delete the temporary "special monitoring" requirement for the "36 organic contaminants". This monitoring was to have been completed by January 1, 1992.
- 611.658 This requires "special monitoring" for certain organic contaminants, for which there is, as of yet, no MCL:
- Aldrin
 - Benzo(a)pyrene
 - Butachlor
 - Carbaryl
 - Dalapon
 - Di(2-ethylhexyl)adipate
 - Di(2-ethylhexyl)phthalates
 - Dicamba
 - Dieldrin
 - Dinoseb
 - Diquat
 - Endothall
 - Glyphosate
 - Hexachlorobenzene
 - Hexachlorocyclopentadiene
 - 3-Hydroxycarbofuran
 - Methomyl
 - Metolachlor
 - Metribuzin
 - Oxamyl (vydate)
 - Picloram
 - Propachlor
 - Simazine
 - 2,3,7,8-TCDD (Dioxin)
- 611.658(e)-(g) Do these provisions require samples to be taken at the same points as Section 611.648(a)-(c)?
- 611.658 What should be the trigger for a confirmation sample in the absence of an MCL?

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Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 19, 1992.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate a "public water supply" (PWS). They may indirectly affect small businesses doing business with PWSs, including vendors of chemicals and analytical methods and services.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, mainly periodic reporting of analytical results.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, a registered professional engineer, and an analytical analyst.

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

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611.658(j) Should suppliers with fewer than 150 connections have to perform this sampling?

611.851 Nitrite has been added to the list of "acute violations" requiring public notice within 72 hours after the supplier learns of the result.

Appendix A Mandatory notice requirements for new MCLs and other requirements.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 611.102 incorporates rules and regulations of agencies of the United States, and rules, regulations, standards or guidelines of nationally recognized organizations and associations, and guidelines or standards of agencies of the United States. Other Sections incorporate only rules and regulations of agencies of the United States. Sections 7.2 and 17.5 of the Environmental Protection Act provide that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act, and by the Federal Safe Drinking Water Act. The statewide policy objectives are set forth in Section 14 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government which own or operate a "public water supply".

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-3 and be addressed to:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	
611.100	Purpose, Scope and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Section 1415 Variances
611.112	Section 1416 Variances
611.113	Alternative Treatment Techniques
611.114	Siting requirements
611.115	Source Water Quality Quantity
611.120	Effective dates
611.121	Maximum Contaminant Levels
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead

SUBPART B: FILTRATION AND DISINFECTION

Section	
611.201	Requiring a Demonstration
611.202	Procedures for Agency Determinations
611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.220	General Requirements
611.230	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration
611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
611.271	Protection during Repair Work
611.272	Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

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Section	
611.280	Point-of-Entry Devices
611.290	Use of other Non-centralized Treatment Devices

SUBPART D: TREATMENT TECHNIQUES

Section	
<u>611.295</u>	<u>General Requirements</u>
<u>611.296</u>	<u>Acrylamide and Epichlorohydrin</u>

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section	
611.300	Inorganic Chemicals
<u>611.301</u>	<u>Revised MCLs for Inorganic Chemicals</u>
611.310	Organic Chemicals
611.311	<u>VOCS Revised MCLs for Organic Contaminants</u>
611.320	Turbidity
611.325	Microbiological Contaminants
611.330	Radium and Gross Alpha Particle Activity
611.331	Beta Particle and Photon Radioactivity

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.480	Alternative Analytical Techniques
611.490	Certified Laboratories
611.491	Laboratory Testing Equipment
611.500	Consecutive PWSs

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.560	Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CTcalc" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT99.9")

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"CT99.9" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT99.9 for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Appendix B. (See "Inactivation Ratio".)

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Community Water System" ("CWS") means a PWS which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Compliance cycle" means the nine-year calendar year cycle during which PWSs must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and

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ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

BOARD NOTE: Derived from 40 CFR 141.2, as amended at 56 Fed. Reg. 3578, January 30, 1991.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

BOARD NOTE: Derived from 40 CFR 141.2, as amended at 56 Fed. Reg. 3578, January 30, 1991.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support ~~membrane~~ membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed

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"flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (19890) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27562, June 29, 1989.~~

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Floculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

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water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (198990) ~~as amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Disinfectant contact time" ("T") means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug

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"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means GC followed by mass spectrometry.

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Groundwater under the direct influence of surface water" is as determined in Section ~~611.211~~611.212.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$A_i = CT_{calc}/CT_{99.9}$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \sum(A_i)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of Giardia lamblia cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

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"Initial compliance period" means the three-year compliance period which begins January 1, 1993.

BOARD NOTE: Derived from 40 CFR 141.2, as amended at 56 Fed. Reg. 3578, January 30, 1991.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Maximum contaminant level" ("MCL") See Section 611.121

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total THMs produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 deg. C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"MFL" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i), as amended at 56 Fed. Reg. 3578, January 30, 1991.

"MUG" means 4-methyl-umbelliferyl-beta-D-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the PWS treatment facility, as measured by water transport time within the distribution system.

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BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Repeat compliance period" means an compliance period which begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2, as amended at 56 Fed. Reg. 3578, January 30, 1991.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a PWS for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"SEP" means special exception permit (Section 611.110).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as

NOT QUOTE

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~~amended at 54 Fed. Reg. 27526, June 29, 1989.~~

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Supplier of water" or "supplier" means any person who owns or operates a PWS. This term includes the "official custodian".

BOARD NOTE: Derived from 40 CFR 141.2 (198990).

"Surface water" means all water which is open to the atmosphere and subject to surface runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"System with a single service connection" means a system which supplies drinking water to consumers via a single service line.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (198990), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Total trihalomethanes" (TTHM) means the sum of the concentration of THMs, in mg/L, rounded to two significant figures.

BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (198990).

"Trihalomethane" (THM) means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are:

Trichloromethane (chloroform),

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Dibromochloromethane,
Bromodichloromethane and
Tribromomethane (promomform)
BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (1989g).
"ug" means micrograms.
"Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.
"VOC" means "volatile organic chemical".
BOARD NOTE: Derived from 40 CFR 141.2 (1989g) as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a PWS which is deficient in treatment, as determined by the appropriate local or State agency.
BOARD NOTE: Derived from 40 CFR 141.2 (1989g) as amended at 54 Fed. Reg. 27526, June 29, 1989.
"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA.
BOARD NOTE: Derived from 40 CFR 141.71(b) (1989g), adopted at 54 Fed. Reg. 27526, June 29, 1989. The wellhead protection program will include the "groundwater protection needs assessment" under Section 17.1 of the Act, and regulations to be adopted in 35 ILL. Adm. Code 615 et seq.
(Source: Amended at 16 ILL. Reg. , effective

Section 611.102 Incorporations by Reference
a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:
"ARPA-1 Polymer" is available from Advanced

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Polymer Systems.
"Asbestos Methods" means "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.
"ASTM" means American Society for Testing and Materials
"Indigo method" is as described in "Standard Methods", 17th Edition, Method 4500-03 B.
"Inductively Coupled Plasma Method" means "Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with appendix C. See 40 CFR 136, Appendix C.
"Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS.
"Microbiological Methods" means "Microbiological Methods for Monitoring the Environment, Water and Wastes", available from NTIS.
"MNO-MUG Test" means "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside - 4-methyl-umbelliferyl-beta-d-glucuronide test", available from ~~Seees Analytical Systems, Inc. Environmentalics, Inc.~~

"NCRP" means "National Council on Radiation Protection".
"NTIS" means "National Technical Information Service".
"Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", available from USEPA NTIS.
"Pesticide Methods" means "Methods for Organochlorine Pesticides and Chloro-phenoxy Acid Herbicides in Drinking Water and Raw Source Water", available from USEPA.
"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water",

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available from NTIS.

"SPE Test Method" means "Solid Phase Extraction Test Method", available from J.T. Baker Chemical Company.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Waterworks Association.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USGS Method" means "United States Geological Survey Method"

b) The Board incorporates the following publications by reference:

~~Access Analytical Systems, Inc., 21 Business Park Drive, Branford, CT 06405 800/321-0207~~

~~MMO-MUG tests: Colilert P/A or Colilert MPN see Environetics, Inc.~~

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103
215/299-5585

ASTM Method D858-88, "Standard Test Methods for Manganese in Water", approved August 19, 1988.

~~ASTM Method D992-71, "Standard Method of Test for Nitrate Ion in Water", effective October 22, 1971.~~

ASTM Method D1179-72A or B "Standard Test Methods for Fluoride in Water", approved July 28, 1972, reapproved 1978.

ASTM Method D1428-64, "Standard Test Methods for Sodium and Potassium in Water and Water-Formed Deposits by Flame Photometry", approved August 31, 1964, reapproved 1977.

~~ASTM Method D1687-77D, "Standard Test Methods for Chromium in Water", approved February 18,~~

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~~1977.~~

ASTM Method D1688-84D or E, "Standard Test Methods for Copper in Water", approved November 30, 1984.

ASTM Method D1889-88a, "Standard Test Method for Turbidity of Water", approved June 24, 1988.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," 1975, reapproved 1981, discontinued 1988.

ASTM Method D2907-83, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", approved May 27, 1983.

ASTM Method D2972-78A or B, "Standard Test Methods for Arsenic in Water", approved August 18, 1978.

ASTM Method D3086-79, "Standard Test Methods for Organochlorine Pesticides In Water", approved November 30, 1979.

ASTM Method D3223-~~7986~~, "Standard Test Method for Total Mercury in Water", approved ~~November 30, 1979~~ February 28, 1986.

ASTM Method D3478-85, "Standard Test Method for Chlorinated Phenoxy Acid Herbicides in Water", approved November 29, 1985.

ASTM Method D3557-~~7890A~~ or B, "Standard Test Methods for Cadmium in Water", approved July ~~28, 1978~~ March 15, 1990.

ASTM Method D3559-78A or B, "Standard Test Methods for Lead in Water", approved July 28, 1978.

ASTM Method D3859-~~7988A or B~~, "Standard Test Methods for Selenium in Water", approved ~~November 30, 1979~~ June 24, 1988.

ASTM Method D3867-~~7990A~~ or B, "Standard Test Methods for Nitrite-Nitrate in Water", approved ~~November 30, 1979~~ January 10, 1990.

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and Aspiration into an Atomic Absorption Atomizer.

Method 303F, Determination of Mercury by the Cold Vapor Technique.

Method 304, Determination of Micro Quantities of Aluminum, etc. by Electrothermal Atomic Absorption Spectrometry.

Method 408C, Chlorine (Residual), Amperometric Titration Method.

Method 408D, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 408E, Chlorine (Residual), DPD Colorimetric Method.

Method 408F, Chlorine (Residual), Leuco Crystal Violet Method.

Method 410B, Chlorine Dioxide, Amperometric Method.

Method 410C, Chlorine Dioxide, DPD Method (Tentative).

Method 412D, Cyanide, Colorimetric Method.

Method 413A, Fluoride, Preliminary Distillation Step.

Method 413B, Fluoride, Electrode Method.

Method 413C, Fluoride, SPADNS Method.

Method 413E, Fluoride, Complexone Method.

Method 418C, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 418F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 423, Ph Value.

NOT RECORDED

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Method 907A, Pour Plate Method.

Method 908, Multiple Tube Fermentation Technique for Members of the Coliform Group.

Method 908A, Standard Coliform Multiple-Tube (MPN) Tests.

Method 908B, Application of Tests to Routine Examinations.

Method 908C, Fecal Coliform MPN Procedure.

Method 908D, Estimation of Bacterial Density.

Method 908E, Presence-Absence (P-A) Coliform Test (Tentative).

Method 909, Membrane Filter Technique for Members of the Coliform Group.

Method 909A, Standard Total Coliform Membrane Filter Procedure.

Method 909B, Delayed Incubation Total Coliform Procedure.

Method 909C, Fecal Coliform Membrane Filter Procedure.

Standard Methods for the Examination of Water and Wastewater, 17th Edition, 1989.

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415/ 366-2626:

AEPA-1 Polymer. See 40 CFR 141.22(a). Also, as referenced in ASTM D1889.

Environetics, Inc., 21 Business Park Drive, Branford, CT 06405 800/321-0207

MMO-MUG tests: Colilert P/A or Colilert MPN.

ERDA Health and Safety Laboratory, New York, NY

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HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2).

J.T. Baker Chemical Company, 22 Red School Lane, Phillipsburg, NJ 08865:

Solid Phase Extract (SPE) Test Method Number SPE-550. See 40 CFR 141.24(e), footnote 6.

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757

800/252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301) 657-2652.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600.

Analytical Method for Determination of Asbestos Fibers in Water, EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471.

"Methods of for Chemical Analysis of Water and Wastes", J. Kopp and D. McGee, Third Edition, March, 1979. EPA-600/4-79-020, Doc. No. PB84-128677297686

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677.

"Methods for the Determination of Organic Compounds in Drinking Water", EPA/600/4-88/039, December, 1988, Doc. No. PB 89-220461.

"Microbiological Methods for Monitoring the Environment: Water and Wastes", R. Bodner

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and J. Winter, 1978. EPA-600/8-78-017, Doc. No. PB290-329/LP

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

Orion Research, Inc., 529 Main St., Boston, MA 02129 800/225-1480:

Orion Guide to Water and Wastewater Analysis, Form WEMWG/5880, p. 5

Technicon Industrial Systems, Tarrytown, NY 10591

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 See 40 CFR 141.23(f)(10), footnotes 6 and 7.

"Fluoride in Water and Wastewater", #380-75WF, February, 1976. See 40 CFR 141.23(f)(10), footnotes 6 and 7.

United States Environmental Protection Agency, (202) 382-4359

"The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method", Method 501.1. See 40 CFR 141, Subpart C, Appendix C.

"The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction", Method 501.2 See 40 CFR 141, Subpart C, Appendix C. "Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with Appendix to Method 200.7" entitled, "Inductively Coupled Plasma-Atomic Emission Analysis of Drinking Water", March 1987. See 40 CFR 136, Appendix C.

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (Revised) March, 1976.

"Methods for the Determination of Organic

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Compounds in Drinking Water", ~~EPA/600/4-88/039, December, 1988.~~ See NTIS.

"Methods for Organochlorine Pesticides and Chloro-phenoxy Acid Herbicides in Drinking Water and Raw Source Water"

"Methods of for Chemical Analysis of Water and Wastes". See NTIS.

Microbiological Methods for Monitoring the Environment, Water and Wastes". See NTIS

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS

United States Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989

USGS. United States Geological Survey, 1961 Stout St., Denver, CO 80294 303/844-4169:

Techniques of Water-Resources Investigation of the United States Geological Survey:

Book 5, Chapter A-1, "Methods for Determination of Inorganic substances in Water and Fluvial Sediments", 1979

Book 5, Chapter A-3, "Methods for Analysis of Organic Substances in Water," 1971

Techniques of Water-Resources Investigations of the U. S. Geological Survey Books:

Book 5, Chapter A-1, "Methods for Determination of Inorganic substances in Water and Fluvial Sediments", 1989

c) The Board incorporates the following federal regulations by reference:

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40 CFR 136, Appendix B and C (198990)

40 CFR 141.22(a) (198990)

40 CFR 141.23(f)(10), footnotes 6 and 7 (198990)

40 CFR 141.24(e), footnote 6 (198990)

40 CFR 141.25(b)(2) (198990)

40 CFR 141, Subpart C, Appendix C (198990).

d) This Part incorporates no future amendments or editions.

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.110 Special Exception Permits

a) Unless otherwise specified, each Agency determination in this Part is to be made by way of a written permit pursuant to Section 39(a) of the Act. Such permit is titled a "special exception" permit ("SEP").

b) No person shall cause or allow the violation of any condition of a ~~special exception permit~~ SEP.

c) The supplier may appeal the denial of or the conditions of a ~~special exception permit~~ SEP to the Board pursuant to Section 40 of the Act.

d) A SEP may be initiated either:

1) By an application filed by the supplier; or

2) By the Agency, when authorized by Board regulations.

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.111 Section 1415 Variances

This Section is intended as a State equivalent of Section 1415(a)(1)(A) of the SDWA.

a) The Board may grant a supplier a variance from a NPDWR in this Part.

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- 1) The supplier shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.
 - 2) The Board may grant a variance from the additional State requirements in this Part without following this Section.
- b) As part of the showing of arbitrary or unreasonable hardship, the supplier shall demonstrate that:
- 1) Due to compelling factors (which may include economic factors), the supplier is unable to comply with the MCL or treatment technique requirement;
 - 2) The supplier was:
 - A) In operation on the effective date of the MCL or treatment technique requirement; or
 - B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the supplier; and
 - 3) The variance will not result in an unreasonable risk to health.
- c) The Board will prescribe a schedule for:
- 1) Compliance, including increments of progress, by the supplier, with each MCL and treatment technique requirement with respect to which the variance was granted; and
 - 2) Implementation by the supplier of each additional control measure for each contaminant, subject to the MCL or treatment technique requirement, during the period ending on the date compliance with such requirement is required.
- d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable; but no schedule shall extend more than 12 months after the date of the variance, except as follows:
- 1) The Board may extend the date for a period not to

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- exceed three years beyond the date of the variance if the supplier establishes: that it is taking all practicable steps to meet the standard; and:
- A) The supplier cannot meet the standard without capital improvements which cannot be completed within 12 months;
 - B) In the case of a supplier which needs financial assistance for the necessary improvements, the supplier has entered into an agreement to obtain such financial assistance; or
 - C) The supplier has entered into an enforceable agreement to become a part of a regional PWS; and
- 2) In the case of a PWS with 500 or fewer service connections, and which needs financial assistance for the necessary improvements, a variance under subsections (d)(1)(A) or (B) may be renewed for one or more additional two year periods if the supplier establishes that it is taking all practicable steps to meet the final date for compliance.
- e) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104.
- f) The Agency shall promptly send USEPA the Opinion and Order of the Board granting a variance pursuant to this Section. The Board may reconsider and modify a grant of variance, or variance conditions, if USEPA notifies the Board of a finding pursuant to Section 1416 of the SDWA.
- BOARD NOTE: Derived from Section 1416 of the SDWA.
- g) The Board will not grant a variance:
- 1) From the MCL for total coliforms; provided, however, that the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that demonstrate that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation

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b) Certifications can rely on manufacturers or third parties, as approved by the Agency.

BOARD NOTE: Derived from 40 CFR 141.111, as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 ILL. Reg. , effective

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL'S)

Section 611.300 Inorganic chemicals

a)

The MCL for nitrate is applicable to both CMS suppliers and non-CMS suppliers except as provided by in subsection (d). The levels for the other inorganic chemicals apply only to CMS suppliers. The levels for additional state requirements apply only to CMS. Compliance with MCLs for inorganic chemicals is calculated pursuant to Subpart N. Compliance with the following MCLs for cadmium, chromium, fluoride, mercury, nitrate and selenium (marked with a "T") is required until July 30, 1992.

BOARD NOTE: Derived from 40 CFR 141.11(a) (1989) (1990), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CMS.

b) The following are the MCL's for inorganic chemicals:

Contaminant Level, mg/L Additional State Requirement

Arsenic	0.05	
Barium	1.	
Cadmium	0.010	
Chromium	0.05	
Copper	5.	
Cyanide	0.2	
Fluoride	4.0	
Iron	1.0	
Lead	0.05	
Manganese	0.15	
Mercury	0.002	
Nitrate (as N)	10.	
Selenium	0.01	

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or maintenance of the distribution system.

2) Or, or from any of the treatment technique requirements of Subpart B.

BOARD NOTE: Derived from 40 CFR 141.4 (1989) (1990), as amended at 54 Fed. Reg. 27562, June 29, 1989 56 Fed. Reg. 1557, January 15, 1991.

(Source: Amended at 16 ILL. Reg. , effective

SUBPART D: TREATMENT TECHNIQUES

Section 611.295 General Requirements

The requirements of this Subpart constitute NPDWRs. This Subpart establishes treatment techniques in lieu of MCLs for specified contaminants.

BOARD NOTE: Derived from 40 CFR 141.110, as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 ILL. Reg. , effective

Section 611.296 Acrylamide and Epichlorohydrin

a) Each supplier shall certify annually in writing to the Agency that, when products containing acrylamide or epichlorohydrin are used in the PWS, the product of monomer level and dose does not exceed the levels specified as follows:

$$P = A * B$$

Where:

A = Percent by weight of unreacted monomer in the product used.

B = Parts per million by weight of finished water at which the product is dosed.

P = Product of monomer level and dose:

1) For acrylamide, P = 0.05; and

2) For epichlorohydrin, P = 0.20.

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Silver	0.05	
Zinc	5.	*

BOARD NOTE: Derived from 40 CFR 141.11(b) and 141.62 (1989)(1990), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- c) The secondary MCL for fluoride is 2.0 mg/L.

BOARD NOTE: Derived from 40 CFR 141.11(c) (198990).

- d) Nitrate.

- 1) The Board incorporates by reference 40 CFR 141.11(d) (198990). This incorporation includes no later editions or amendments.
- 2) If allowed by Public Health, non-CWSSs may exceed the MCL for nitrate to the extent authorized by 40 CFR 141.11(d).

BOARD NOTE: Derived from 40 CFR 141.11(d) (198990). Public Health regulations are at 77 Ill. Adm. Code 900.50.

- e) The following supplementary condition applies to the concentrations listed in subsection (b): Iron and manganese:

- 1) CWS suppliers which serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.
- 2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 16 Ill. Reg. , effective)

Amended Kent Law

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Section 611.301 Revised MCLs for Inorganic Chemicals

- a) See Section 611.100(e).
- b) The MCLs in the following table apply to CWSSs. Except for fluoride and selenium, the MCLs also apply to NTNCWSSs. The MCLs for nitrate, nitrite and total nitrate and nitrite also apply to transient non-CWSSs. Compliance is required by July 30, 1992.

<u>Contaminant</u>	<u>MCL</u>	<u>Units</u>
<u>Fluoride</u>	<u>4.</u>	<u>mg/L</u>
<u>Asbestos</u>	<u>7.</u>	<u>Million fibers/L (longer than 10 micrometers)</u>
<u>Cadmium</u>	<u>0.005</u>	<u>mg/L</u>
<u>Chromium</u>	<u>0.1</u>	<u>mg/L</u>
<u>Mercury</u>	<u>0.002</u>	<u>mg/L</u>
<u>Nitrate (as N)</u>	<u>10.</u>	<u>mg/L</u>
<u>Nitrite (as N)</u>	<u>1.</u>	<u>mg/L</u>
<u>Total Nitrate and Nitrite (as N)</u>	<u>10.</u>	<u>mg/L</u>
<u>Selenium</u>	<u>0.05</u>	<u>mg/L</u>

BOARD NOTE: See Section 611.100(c) for applicability to non-CWSSs.

- c) USEPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b), except for fluoride:

<u>Contaminant</u>	<u>BAT(s)</u>
<u>Asbestos</u>	<u>C/F or DDF (if contamination is from raw water source)</u>
	<u>CC (if contamination is from corrosion in the distribution system)</u>

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- c) TTHM 0.10 *

BOARD NOTE: This is an additional State requirement.

- d) TTHM. CWS suppliers serving fewer than 10,000 individuals shall comply with the TTHM standard by January 1, 1992.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.311 VOCs Revised MCLs for Organic Contaminants

- a) The following MCLs levels for VOCs for organic contaminants apply to CWS suppliers and NTNCWS suppliers. Compliance is required for the MCLs marked with a "D" by July 30, 1992.

CAS No.	Contaminant	MCL (mg/L)	Note
71-43-2	Benzene	0.005	
75-01-4	Vinyl chloride	0.002	
56-23-5	Carbon tetrachloride	0.005	
107-06-2	1,2-Dichloroethane	0.005	
79-01-6	Trichloroethylene	0.005	
75-35-4	1,1-Dichloroethylene	0.007	
71-55-6	1,1,1-Trichloroethane	0.20	
106-46-7	para-Dichlorobenzene	0.075	
<u>71-43-2</u>	<u>Benzene</u>	<u>0.005</u>	
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>0.005</u>	
<u>95-50-1</u>	<u>o-Dichlorobenzene</u>	<u>0.6</u>	D
<u>106-46-7</u>	<u>p-Dichlorobenzene</u>	<u>0.075</u>	
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>0.005</u>	
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>0.007</u>	
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>0.07</u>	D
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>0.1</u>	D
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>0.005</u>	D
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>0.7</u>	D
<u>108-90-7</u>	<u>Monochlorobenzene</u>	<u>0.1</u>	D
<u>100-42-5</u>	<u>Styrene</u>	<u>0.1</u>	D
<u>127-18-4</u>	<u>Tetrachloroethylene</u>	<u>0.005</u>	D
<u>108-88-3</u>	<u>Toluene</u>	<u>1.</u>	D
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>0.2</u>	
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>0.005</u>	

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- 75-01-4 Vinyl chloride 0.002
1330-20-7 Xylenes (total) 10. D

BOARD NOTE: See Section 611.100(c) for applicability to non-CWSs.

- b) ~~BATs for achieving compliance with the MCLs for VOCs are: central treatment using packed tower aeration; central treatment using granular activated carbon for all these chemicals except vinyl chloride. USEPA has identified, as indicated below granular activated carbon (GAC) or packed tower aeration (PTA) as BAT for achieving compliance with the MCLs for organic contaminants in subsections (a) and (c).~~

<u>15972-60-8</u>	<u>Alachlor</u>	<u>GAC</u>
<u>1912-24-9</u>	<u>Atrazine</u>	<u>GAC</u>
<u>71-43-2</u>	<u>Benzene</u>	<u>GAC, PTA</u>
<u>1563-66-2</u>	<u>Carbofuran</u>	<u>GAC</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>GAC, PTA</u>
<u>57-74-9</u>	<u>Chlordane</u>	<u>GAC</u>
<u>96-12-8</u>	<u>Dibromochloropropane</u>	<u>GAC, PTA</u>
<u>95-50-1</u>	<u>o-Dichlorobenzene</u>	<u>GAC, PTA</u>
<u>106-46-7</u>	<u>p-Dichlorobenzene</u>	<u>GAC, PTA</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>GAC, PTA</u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>GAC, PTA</u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>GAC, PTA</u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>GAC, PTA</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>GAC, PTA</u>
<u>106-93-4</u>	<u>Ethylene dibromide (EDB)</u>	<u>GAC, PTA</u>
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>GAC, PTA</u>
<u>58-89-9</u>	<u>Lindane</u>	<u>GAC</u>

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8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP	0.05

BOARD NOTE: Derived from 40 CFR 141.61 (1989) (1990), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CMSs.

(Source: Amended at 16 Ill. Reg. , effective

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms, a determination of total coliform density is not required.
- c) Suppliers shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:
 - 1) Multiple-Tube Fermentation (MTF) Technique, as set forth in:
 - A) Standard Methods, 16th Edition, Method 908, 908A and 908B, except that 10 fermentation tubes must be used; or
 - B) Microbiological Methods, Part III, Section B 4.1-4.6.4, pp. 114-118, (Most Probable Number Method), except that 10 fermentation tubes must be used; or
 - 2) Membrane Filter (MF) Technique, as set forth in:
 - A) Standard Methods, 16th Edition, Method 909, 909A and 909B; or
 - B) Microbiological Methods, Part III, Section B.2.1-2.6, pp. 108-112; or
 - 3) P-A Coliform Test, as set forth in: Standard

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72-43-5	Methoxychlor	GAC
108-90-7	Monochlorobenzene	GAC, PTA
1336-36-3	Polychlorinated biphenyls (PCB)	GAC

100-42-5	Styrene	GAC, PTA
127-18-4	Tetrachloroethylene	GAC, PTA
71-55-6	1,1,1-Trichloroethane	GAC, PTA
79-01-6	Trichloroethylene	GAC, PTA
108-88-3	Toluene	GAC, PTA
8001-35-2	Toxaphene	GAC, PTA
93-72-1	2,4,5-TP	GAC
75-01-4	Vinyl chloride	PTA
1330-20-7	Xylene	GAC, PTA

Pesticides and PCBs. The following MCLs for organic contaminants apply to CMS and NMCMS suppliers. Compliance is required by July 30, 1992.

CAS Number	Contaminant	MCL (mg/L)
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
1563-66-2	Carbofuran	0.04
57-74-9	Chlordane	0.002
96-12-8	Dibromochloropropane	0.0002
106-93-4	Ethylene dibromide	0.00005
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005

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Methods, 16th Edition, Method 908E; or

- 4) MMO-MUG test.
- d) In lieu of the 10-tube MTF Technique specified in subsection (c)(1), a supplier may use the MTF Technique using either five tubes (20-ml sample portions or a single culture bottle containing the culture medium for the MTF Technique, i.e., lauryl tryptose broth (formulated as described in Standard Methods, 16th Edition, Method 908A, incorporated by reference in Section 611.102) as long as a 100-ml water sample is used in the analysis.
- e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:
 - 1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A bottle vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
 - 2) For Microbiological Methods, referenced above, which use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated EC-tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 +/- 0.2 degrees C for 24 +/- 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.
 - 3) The preparation of EC medium is described in Standard Methods, 16th Edition, Method 908C.

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- 4) Suppliers need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.
- f) If a supplier uses the MMO-MUG test for total coliform detection, the supplier shall test all total coliform-positive cultures for fluorescence.
 - 1) To test for fluorescence, use an ultraviolet light (366 nm) in the dark after incubating the tube or container at 35 +/- 0.5 degrees Celsius for 24 to 28 hours. If fluorescence is observed, the sample is E. coli-positive.
 - 2) If fluorescence is not observed, transfer, with a pipette, a 0.1 mL, 28-hour culture to EC Medium supplemented with MUG. The formulation and incubation conditions of EC Medium supplemented with MUG, and observation of the results, are described in subsection (g)(1), below.
- g) Suppliers shall conduct analysis of E. coli in accordance with one of the following analytical methods:
 - 1) EC medium supplemented with 50 ug/L of MUG (final concentration). EC medium is as described in subsection (e). MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 ug/L MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 +/- 2 degrees C for 24 +/- 2 hours; or
 - 2) Nutrient agar supplemented with 100 ug/L MUG (final concentration). Nutrient Agar is described in Standard Methods, 16th Edition, Method 908C. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains E. coli. Transfer the membrane filter containing a total coliform colony

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"MFL" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i), as amended at 56 Fed. Reg. 3578, January 30, 1991.

"Mixed system" means a PWS which uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2), Note, amended at 56 Fed. Reg. 3578, January 30, 1991.

"Reliably and consistently" below a specified level for a contaminant means that:

Levels are below the specified level;

The distribution of data is such that it is unlikely that future individual measurements will exceed the specified level unless the long term average increases;

The data does not show an upward trend toward the specified level; and

There are no factors which show that the source is vulnerable to the contaminant.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), as amended at 56 Fed. Reg. 3578, January 30, 1991.

"SWS" means "surface water system", a PWS which uses only surface water sources, including "groundwater under the direct influence of surface water", as defined in Section 611.102.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2), Note, amended at 56 Fed. Reg. 3578, January 30, 1991.

e) Detection limits. The following are detection limits for purposes of this Subpart:

<u>Contam- inant</u>	<u>MCL (mg/L, except as- best- os)</u>	<u>Method</u>	<u>Detec- tion Limit (mg/L)</u>
--------------------------	--	---------------	---

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<u>Asbestos</u>	<u>7 MFL</u>	<u>Transmission Electron Microscopy</u>	<u>0.01 MFL</u>
<u>Barium</u>	<u>2</u>	<u>Atomic Absorption; furnace technique</u>	<u>0.002</u>
		<u>Atomic Absorption; direct aspiration</u>	<u>0.1</u>
		<u>Inductively Coupled Plasma</u>	<u>0.002</u>
		<u>Inductively Coupled Plasma; Using concentration technique in Appendix A to Inorganic Method 200.7.</u>	<u>0.001</u>
<u>Cadmium</u>	<u>0.005</u>	<u>Atomic Absorption; furnace technique</u>	<u>0.0001</u>
		<u>Inductively Coupled Plasma; Using concentration technique in Appendix A to Inorganic Method 200.7.</u>	<u>0.001</u>
<u>Chromium</u>	<u>0.1</u>	<u>Atomic Absorption; furnace technique</u>	<u>0.001</u>
		<u>Inductively Coupled Plasma</u>	<u>0.007</u>
		<u>Inductively Coupled Plasma; Using concentration technique in Appendix A to Inorganic Method 200.7.</u>	<u>0.001</u>
<u>Mercury</u>	<u>0.002</u>	<u>Manual Cold Vapor Technique</u>	<u>0.0002</u>
		<u>Automated Cold Vapor Technique</u>	<u>0.0002</u>
<u>Nitrate (as N)</u>	<u>10</u>	<u>Manual Cadmium Reduction</u>	<u>0.01</u>
		<u>Automated Hydrazine Reduction</u>	<u>0.01</u>
		<u>Automated Cadmium Reduction</u>	<u>0.05</u>
		<u>Ion Selective Electrode</u>	<u>1</u>

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~~sampling point within one month.~~

~~BOARD NOTE: This applies also to additional state requirements.~~

~~e) When the average of four analyses made pursuant to subsection (b), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart F. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard, site specific rule or enforcement action becomes effective.~~

~~BOARD NOTE: This applies also to additional state requirements.~~

~~d) The provisions of subsections (b) and (c)~~

~~analyses. When a level exceeding the MCL for nitrate is found, a second analysis must be initiated within 24 hours, and if the mean of the two analyses exceeds the MCL, the supplier of water shall report his findings to the Agency and shall notify the public pursuant to Subpart F.~~

~~BOARD NOTE: Derived from 40 CFR 141.23(a) through (d) (1989).~~

~~Monitoring must be conducted as follows:~~

~~a) Definitions. As used in this Section:~~

~~"Distribution system" includes all points downstream of an "entry point".~~

~~"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the PWS, and upstream of any mixing with other water.~~

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0.01	Ion Chromatography	
0.01	Spectrophotometric	1
	Nitrite	(as N)

Automated Cadmium Reduction 0.05

Manual Cadmium Reduction 0.01

Ion Chromatography 0.004

Selenium 0.05 Atomic Absorption; furnace 0.002

Atomic Absorption; gaseous hydride 0.002

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 ILL. Reg. , effective

Section 611.601 Requirements Monitoring Frequency

a) Analyses for the purpose of determining compliance with Section 611.300 are required as follows:

1) Analyses for all CWS utilizing surface water sources must be repeated at yearly intervals.

BOARD NOTE: This applies also to additional state requirements.

2) Analyses for all CWS utilizing only groundwater sources must be repeated at three year intervals.

BOARD NOTE: This applies also to additional state requirements.

3) For non-CWS, whether supplied by surface or groundwater sources, analyses for nitrate must be repeated at intervals specified by Public Health.

b) If the result of an analysis made under subsection (a) or Section 611.607 indicates that the level of any contaminant listed in Section 611.300 exceeds the MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same

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"GWS" is as defined in Section 611.600.

"Mixed system" is as defined in Section 611.600.

"Representative" means that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be representative, a sample must be taken under normal seasonal operating conditions.

"Source" means a well, reservoir or other source of raw water.

"SWS" is as defined in Section 611.600.

"Treatment" means any process: which changes the physical or chemical properties of water; which is under the control of the supplier; and, which is not a "point of use" or "point of entry treatment device" as defined in Section 611.101.

"Treatment" includes, but is not limited to: aeration, coagulation, sedimentation, filtration, activated carbon, chlorination and fluoridation.

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in Section 611.610. Each sampling point must be "representative." The total number of sampling points must be representative of the water delivered to users throughout the PWS.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, the following are the sampling points for GWSs: Each entry point.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, the following are sampling points for SWSs and mixed systems:

A) Each entry point; or

B) Points in the distribution system.

3) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more

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accurately determine consumer exposure.

4) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.

d) See Section 611.100(e).

e) The frequency of monitoring for the following contaminants must be in accordance with the indicated Sections:

1) Asbestos, Section 611.602;

2) Barium, cadmium, chromium, fluoride, mercury and selenium, Section 611.603;

3) Nitrate, Section 611.604; and

4) Nitrite, Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.602 Asbestos Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the MCL for asbestos in Section 611.301 is as follows:

a) Unless the Agency has determined under subsection (c) that the PWS is not vulnerable, each CWS and NTNCWS supplier shall monitor for asbestos during the first compliance period of each compliance cycle, beginning January 1, 1993.

BOARD NOTE: See Section 611.100(c) for applicability to non-CWSs.

b) CWS suppliers may apply to the Agency, by way of an application for a SEP under Section 611.110, for a determination that the CWS is not vulnerable.

c) The Agency shall determine that the CWS is "not vulnerable" if the CWS is not vulnerable to contamination either from asbestos in its source water

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pursuant to the SEP procedures of Section 611.110.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6), as amended at 56 Fed. Reg. 3578, January 30, 1991.

d) Standard for reduction in monitoring. The Agency shall reduce the monitoring frequency if the supplier demonstrates that all previous analytical results were less than the MCL, provided the supplier meets the following minimum data requirements:

- 1) For GWS suppliers, a minimum of three rounds of monitoring.
- 2) For SWS and mixed system suppliers, annual monitoring for at least three years.
- 3) At least one sample must have been taken since January 1, 1990.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(4), as amended at 56 Fed. Reg. 3578, January 30, 1991.

e) Standard for monitoring conditions. As a condition of any SEP, the Agency shall require that the supplier take a minimum of one sample. In determining the appropriate reduced monitoring frequency, the Agency shall consider:

- 1) Reported concentrations from all previous monitoring;
- 2) The degree of variation in reported concentrations; and
- 3) Other factors which may affect contaminant concentrations such as: changes in groundwater pumping rates; changes in the CWSs configuration; the CWS's operating procedures; or, stream flows or characteristics.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) and (5), as amended at 56 Fed. Reg. 3578, January 30, 1991.

f) Conditions and Revision.

- 1) The SEP will expire at the end of the compliance cycle for which it was issued.

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BOARD NOTE: Drawn from 40 CFR 141.23(c)(3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- 2) The SEP must provide that the Agency will review and, where appropriate, revise its determination of the appropriate monitoring frequency when the supplier submits new monitoring data or when other data relevant to the supplier's appropriate monitoring frequency become available.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- g) A supplier which exceeds the MCL for barium, cadmium, chromium, fluoride, mercury or selenium, as determined in Section 611.609, shall monitor quarterly for that contaminant, beginning in the next quarter after the violation occurred.

BOARD NOTE: Derived from 40 CFR 141.23(c)(7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

h) Reduction of quarterly monitoring.

- 1) A supplier may request that the Agency reduce the monitoring frequency to annual. The request must be by way of a SEP application pursuant to Section 611.110.
- 2) The request must include the following minimal information:
 - A) For a GWS, two quarterly samples.
 - B) For an SWS or mixed system, four quarterly samples.
- 3) The Agency shall, by SEP, allow annual monitoring at a sampling point, if it determines that the sampling point is reliably and consistently below the MCL.
- 4) In issuing the SEP, the Agency shall specify:
 - A) The level of the contaminant upon which the "reliably and consistently" determination was based; and
 - B) The level of the contaminant which, if

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Section 611.110.

A) The request must include the following minimal information: four quarterly samples.

B) The Agency shall, by SEP, allow annual monitoring at a sampling point, if it determines that the sampling point is reliably and consistently below the MCL.

C) In issuing the SEP, the Agency shall specify: 1) The level of the contaminant upon which the "reliably and consistently" determination was based; and 11) The level of the contaminant which, if exceeded in any one sample, would cause the supplier to reinstate quarterly monitoring.

BOARD NOTE: Derived from 40 CFR 141.23(d)(2), as amended at 56 Fed. Reg. 3578, January 30, 1991.

c) Reduction of monitoring frequency for SWS and mixed systems.

1) CWS and NTNCWS suppliers, which are SWS or mixed systems, may apply to the Agency for a reduction in monitoring frequency by way of a SEP application pursuant to Section 611.110.

BOARD NOTE: See Section 611.100(c) for applicability to non-CWS.

2) The Agency shall allow the supplier to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are less than 50 percent of the MCL.

3) As a condition of the SEP, the Agency shall require the supplier to initiate quarterly monitoring, beginning the next quarter, if any one sample is greater than or equal to 50 percent of the MCL.

BOARD NOTE: Drawn from 40 CFR 141.23(d)(3), adopted at 56 Fed. Reg. 3578, January 30, 1991.

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exceeded in any one sample, would cause the supplier to reinstate quarterly monitoring.

BOARD NOTE: Derived from 40 CFR 141.23(c)(8), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Section 611.603 renumbered to Section 611.592, new Section 611.603 added at 16 Ill. Reg. , effective)

Section 611.604 Nitrate Monitoring

Each supplier shall monitor to determine compliance with the MCL for nitrate in Section 611.301.

a) Suppliers shall monitor at the following frequencies, beginning January 1, 1993:

1) CWS and NTNCWS:

A) GWS, annually;

B) SWS and mixed systems, quarterly.

BOARD NOTE: Drawn from 40 CFR 141.23(d)(1), adopted at 56 Fed. Reg. 3578, January 30, 1991.

2) Transient non-CWS, annually.

BOARD NOTE: Drawn from 40 CFR 141.23(d)(4), adopted at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWS.

b) Quarterly monitoring for GWS.

1) A CWS or NTNCWS supplier which has any one sample in which the concentration is equal to or greater than 50 percent of the MCL shall initiate quarterly monitoring during the next quarter.

BOARD NOTE: See Section 611.100(c) for applicability to non-CWS.

2) The supplier may request that the Agency reduce the monitoring frequency to annual. The request must be by way of a SEP application pursuant to

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- d) See subsection (a)(2).
- e) After it has completed monitoring in four consecutive quarters, each CWS or NTNCWS supplier which is monitoring annually shall take samples during the quarter which resulted in the highest analytical result.

BOARD NOTE: Drawn from 40 CFR 141.23(d)(5), adopted at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

(Source: Added at 16 Ill. Reg. , effective)

Section 611.605 Nitrite Monitoring

Each supplier shall monitor to determine compliance with the MCL for nitrite in Section 611.301.

- a) Suppliers shall monitor at the following frequencies, beginning January 1, 1993:
 - 1) GWS suppliers, once each compliance period;
 - 2) SWS and mixed system suppliers, once each year.

BOARD NOTE: Drawn from 40 CFR 141.23(e)(1) and (2), adopted at 56 Fed. Reg. 3578, January 30, 1991.

- b) See Section 611.100(e).
- c) Repeat monitoring frequency.
 - 1) A supplier which has any one sample in which the concentration is equal to or greater than 50 percent of the MCL shall initiate quarterly monitoring during the next quarter.
 - 2) The supplier may request that the Agency reduce the monitoring frequency to annual. The request must be by way of a SEP application pursuant to Section 611.110.
 - A) The request must include the following minimal information: four quarterly samples.
 - B) The Agency shall, by SEP, allow annual monitoring at a sampling point, if it

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determines that the sampling point is reliably and consistently below the MCL.

- c) In issuing the SEP, the Agency shall specify:
 - i) The level of the contaminant upon which the "reliably and consistently" determination was based; and
 - ii) The level of the contaminant which, if exceeded in any one sample, would cause the supplier to reinitiate quarterly monitoring.

BOARD NOTE: Drawn from 40 CFR 141.23(e)(3), adopted at 56 Fed. Reg. 3578, January 30, 1991.

- d) After it has completed monitoring in four consecutive quarters, each supplier which is monitoring annually shall take samples during the quarter which resulted in the highest analytical result.

BOARD NOTE: Drawn from 40 CFR 141.23(e)(4), adopted at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 Ill. Reg. , effective)

Section 611.606 Analytical Methods Confirmation Samples

~~Analyses conducted to determine compliance with Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102. For approved analytical procedures for metals, the technique applicable to total metals must be used.~~

- a) ~~Arsenic:~~
 - 1) ~~ASTM Method D2972A or B; or~~
 - 2) ~~Standard Methods, 14th Edition:~~
 - A) ~~Method 301A-VII; or~~
 - B) ~~Method 404A and 404B(4); or~~
 - 3) ~~USGS Methods, Method I-1062-78, pp. 61-63, Atomic Absorption - Catechol - Hydride; or~~

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- ~~B) Method 419D, Colorimetric Brucine, or~~
- ~~C) Method 605, Automated Cadmium Reduction.~~
- ~~3) Inorganic Methods:~~
 - ~~A) Method 352.1, or~~
 - ~~B) Method 353.1, Automated Hydrazine Reduction, or~~
 - ~~C) Method 353.2, or~~
 - ~~D) Method 353.3, or~~
- ~~h) Selenium:~~
 - ~~1) Inorganic Methods~~
 - ~~A) Method 270.2, Atomic Absorption Furnace Technique, or~~
 - ~~B) Method 270.3, or~~
 - ~~2) USGS Methods, Method I-1667-78, pp. 237-239, or~~
 - ~~3) ASTM Method D 3859, or~~
 - ~~4) Standard methods, 14th Edition, Method 301A VII, Hydride Generation Atomic Absorption Spectrophotometry.~~
- ~~i) Silver:~~
 - ~~1) Standard Methods, 14th Edition, Methods 301A II, or~~
 - ~~2) Inorganic Methods:~~
 - ~~A) Method 272.1, or~~
 - ~~B) Method 272.2, Atomic Absorption Furnace Technique, or~~
 - ~~3) Inductively Coupled Plasma Method 200.7.~~
- ~~j) Fluoride:~~
 - ~~1) ASTM D 1179 A or B, or~~

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- ~~2) Standard Methods, 16th Edition:~~
 - ~~A) Methods 413A and 413C,~~
 - ~~B) 413B, or~~
 - ~~C) 413E, or~~
- ~~3) Inorganic Methods:~~
 - ~~A) Method 340.1,~~
 - ~~B) Method 340.2,~~
 - ~~C) Method 340.3, or~~
- ~~4) Technicon Methods, Methods 129-71W or 380-75WE~~
~~BOARD NOTE: Derived from 40 CFR 141.23(f) (1989).~~
- ~~k) Manganese:~~
 - ~~1) ASTM D 858,~~
 - ~~2) Standard Methods, 16th Edition, Method 303A.~~
 - ~~3) Inorganic Methods: Methods 243.1 or 243.2, or~~
 - ~~4) Inductively Coupled Plasma Method 200.7.~~
~~BOARD NOTE: These methods are used for additional State requirements.~~
- ~~l) Iron:~~
 - ~~1) Inorganic Methods: 236.1 or 236.2, or~~
 - ~~2) Inductively Coupled Plasma Method 200.7.~~
 - ~~3) Standard Methods, 16th Edition, Method 303A~~
~~BOARD NOTE: These methods are used for additional State requirements.~~
- ~~m) Copper:~~
 - ~~1) ASTM D 1688 D or E,~~
 - ~~2) Standard Methods, 16th Edition:~~

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analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

Averaging rules are specified in Section 611.609. The Agency shall delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.23(f), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Amended at 16 Ill. Reg. , effective

Section 611.607 Fluoride Monitoring

See Section 611.603.

in addition to complying with Section 611.601 through 611.606, suppliers monitoring for fluoride shall comply with the requirements of this section.

a) Sampling points.

1) where the PWS draws water from one source, the supplier shall take one sample at the entry point to the distribution system.

2) where the PWS draws water from more than one source, the supplier shall sample each source at the entry points to the distribution system.

3) if the PWS draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point to the distribution system during periods representative of the maximum fluoride levels occurring under normal operating conditions.

b) the Agency shall, by special exception permit, alter the frequencies for fluoride monitoring as set out in Section 611.601(a) to increase or decrease such frequency considering the following factors:

1) Reported concentrations from previously required monitoring.

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A) Methods 303A or B.

B) Method 304.

BOARD NOTE: These methods are used for additional state requirements.

3) Inorganic Methods: 220.1 or 220.21 or

4) Inductively Coupled Plasma Method 200.7.

n) Zinc:

1) Inorganic Methods 289.1 or 289.21 or

2) Standard Methods, 16th Edition, Method 303A

BOARD NOTE: These methods are used for additional state requirements.

1) Inorganic Method 335.21 or

2) Standard Methods, 16th Edition, Method 412B

BOARD NOTE: These methods are used for additional state requirements.

a) Where the results of sampling for asbestos, barium, cadmium, chromium, fluoride, mercury or selenium indicate a level in excess of the MCL, the supplier shall collect one additional sample as soon as possible after the supplier receives notification of the analytical result (but not to exceed two weeks) at the same sampling point.

Where nitrate or nitrite sampling results indicate level in excess of the MCL, the supplier shall take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.

Suppliers unable to comply with the 24-hour sampling requirement must, based on the initial sample, notify the persons served in accordance with Section 611.851.

2) Suppliers exercising this option must take and

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- ~~2) The degree of variation in reported concentrations and,~~
- ~~3) Other factors which affect fluoride concentrations such as changes in pumping rates in groundwater supplies or significant changes in the PWS's configuration, operating procedures, source of water and changes in stream flows.~~
- ~~e) Monitoring shall be decreased from the frequencies specified in Section 611.601(a) upon application by the supplier if the Agency determines that the supplier is unlikely to exceed the MCL, considering the factors listed in subsection (b). Such determination must be by special exception permit. In no case shall monitoring be reduced to less than one sample every 10 years. For suppliers monitoring once every 10 years, the Agency shall review the monitoring results every ten years to determine whether more frequent monitoring is necessary.~~
- ~~d) Analyses for fluoride under this Section may only be used for determining compliance if conducted by laboratories that have analyzed performance evaluation samples to within +/- 10% of the reference value at fluoride concentrations from 1.0 mg/L to 10.0 mg/L, within the last 12 months. See 35 Ill. Adm. Code 183.125(e)(3).~~
- ~~e) Compliance with the MCL must be determined based on each sampling point. If any sampling point is determined to be out of compliance, the supplier is deemed to be out of compliance.~~

~~BOARD NOTE: Derived from 40 CFR 141.23(g) (1989).~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.608 Additional Optional Monitoring

Suppliers may conduct additional, more frequent monitoring than the minimum frequencies specified in this Subpart, without prior approval from the Agency. The supplier must report the results of all such monitoring to the Agency.

BOARD NOTE: Derived from 40 CFR 141.23(h), as amended at 56 Fed. Reg. 3578, January 30, 1991.

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(Source: Added at 16 Ill. Reg. , effective)

Section 611.609 Averaging

Compliance with the MCLs of Sections 611.300 or 611.301 (as appropriate) must be determined based on the analytical result(s) obtained at each sampling point.

- a) For suppliers which are conducting monitoring at a frequency greater than annual, compliance with the MCLs for asbestos, barium, cadmium, chromium, fluoride, mercury and selenium is determined by a running annual average at each sampling point.
 - 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
 - 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
 - 3) Any sample below the detection limit must be calculated at zero for the purpose of determining the annual average.
- b) For suppliers which are monitoring annually, or less frequently, compliance with the MCLs for asbestos, barium, cadmium, chromium, fluoride, mercury and selenium is determined by the level of the contaminant at any sampling point. If a confirmation sample is taken, the determination of compliance will be based on the average of the two samples.
- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, compliance is determined based on the average of the initial and confirmation samples.
- d) When a portion of the distribution system which is separable from other parts of the distribution system is out of compliance, the CWS supplier shall, at a minimum, give public notice pursuant to Subpart T to the portion not in compliance.

BOARD NOTE: Derived from 40 CFR 141.23(i), as amended at 56 Fed. Reg. 3578, January 30, 1991.

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- A) Manual cadmium reduction
 - i) Inorganic Methods, 1983 Edition, Method 353.3
 - ii) ASTM D3867-85B
 - iii) Standard Methods, 16th Edition, Method 418C
 - B) Automated hydrazine reduction, Inorganic Methods, 1983 Edition, Method 353.1
 - C) Automated cadmium reduction
 - i) Inorganic Methods, 1983 Edition, Method 353.2
 - ii) ASTM D3867-85A
 - iii) Standard Methods, 16th Edition, Method 418F
 - D) Ion selective electrode, WeWWG/5880, available from Orion Research
 - E) Ion chromatography
 - i) Inorganic Methods, 1983 Edition, Method 300.0
 - ii) B-1011, available from Millipore Corporation
- 7) Nitrite
- A) Spectrophotometric, Inorganic Methods, 1983 Edition, Method 354.1
 - B) Automated cadmium reduction
 - i) Inorganic Methods, 1983 Edition, Method 353.2
 - ii) ASTM D3867-85A
 - iii) Standard Methods, 16th Edition, Method 418F

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- C) Manual cadmium reduction
 - i) Inorganic Methods, 1983 Edition, Method 353.3
 - ii) ASTM D3867-85B
 - iii) Standard Methods, 16th Edition, Method 418C
 - D) Ion chromatography
 - i) Inorganic Methods, 1983 Edition, Method 300.0
 - ii) Method B-1011, available from Millipore Corporation
- 8) Selenium
- A) Atomic absorption; gaseous hydride
 - i) Inorganic Methods, 1983 Edition, Method 270.3
 - ii) ASTM D3859-84A
 - iii) Standard Methods, 16th Edition, Method 303E
 - iv) USGS Methods, 1985 Edition, I-3667
 - B) Atomic absorption; furnace technique
 - i) Inorganic Methods, 1983 Edition, Method 270.2
 - ii) ASTM D3859-84B
 - iii) Standard Methods, 16th Edition, Method 304. Prior to dilution of the selenium calibration standard, add 2 mL of 30% hydrogen peroxide for each 100 mL of standard.
- b) Arsenic. Analyses for arsenic must be conducted using one of the following methods:
- 1) Atomic absorption; furnace technique: Inorganic

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Methods, 1979 Edition, Method 206.2
2) Atomic absorption; gaseous hydride:

- A) Inorganic Methods, 1979 Edition, Method 206.3
- B) ASTM D2972-78B
- C) Standard Methods, 16th Edition, Method 303E
- D) USGS Methods, 1979 Edition, I-1062-78

3) Spectrophotometric, silver diethyldithiocarbamate:

- A) Inorganic Methods, 1979 Edition, Method 206.4
- B) ASTM D 2972-78A
- C) Standard Methods, 16th Edition, Method 307B

c) Fluoride. Analyses for fluoride must be conducted using one of the following methods:

1) Colorimetric SPADNS, with distillation:

- A) Inorganic Methods, 1983 Edition, Method 340.1
- B) ASTM D1179-72A
- C) Standard Methods, 16th Edition, Methods 413A and 413C

2) Potentiometric, ion selective electrode

- A) Inorganic Methods, 1983 Edition, Method 340.2
- B) ASTM D1179-72B
- C) Standard Methods, 16th Edition, Method 413B

3) Automated Alizarin fluoride blue, with distillation (complexone)

- A) Inorganic Methods, 1983 Edition, 340.3
- B) Standard Methods, 16th Edition, Method 413E
- C) Technicon Methods, Method 129-71W

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4) Automated ion selective electrode, Technicon Methods, Method 380-75WF

d) Sample collection for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite and selenium under this subpart must be conducted using sample preservation, container and maximum holding time procedures as follows:

1) Asbestos

A) Preservative: Cool to 4 degrees C.

B) Plastic, hard or soft; or glass, hard or soft.

2) Barium

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Container: Plastic, hard or soft; or glass, hard or soft.

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months

3) Cadmium

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid;

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washings must be added to the sample.

- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

4) Chromium

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.
- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Fluoride

- A) Preservative: None.
- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.

6) Mercury

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample

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must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within:
- i) If stored in glass, 28 days.
- ii) If stored in plastic, 14 days.

7) Nitrate, chlorinated

- A) Preservative: Cool to 4 degrees C.
- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

8) Nitrate, non-chlorinated

- A) Preservative: Concentrated sulfuric acid to pH less than 2.
- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

9) Nitrite

- A) Preservative: Cool to 4 degrees C.
- B) Container: Plastic, hard or soft; or glass, hard or soft.
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any

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B) Method 304.

3) Inorganic Methods, 1983 Edition: 220.1 or 220.2;
or

4) Inductively Coupled Plasma Method 200.7.

BOARD NOTE: These methods are used for additional State requirements.

i) Zinc:

1) Inorganic Methods, 1983 Edition 289.1 or 289.2;
or

2) Standard Methods, 16th Edition, Method 303A

BOARD NOTE: These methods are used for additional State requirements.

j) Cyanide:

1) Inorganic Method 335.2; or

2) Standard Methods, 16th Edition, Method 412D.

BOARD NOTE: These methods are used for additional State requirements.

(Source: Added at 16 Ill. Reg. , effective)

Section 611.630 Special Monitoring for Sodium

- a) CWS suppliers shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

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- b) The CWS supplier shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by ~~special exception permit-SEP~~, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

- c) The CWS supplier shall notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

- d) Analyses for sodium must be performed by the following methods, incorporated by reference in Section 611.102:

- 1) Standard Methods, 14th Edition, Method 320 and 320A, flame photometric method;

- 2) Inorganic Methods:

- A) Method 273.1, Atomic Absorption - Direct Aspiration; or

- B) Method 273.2, Atomic Absorption - Graphite Furnace; or

- 3) ASTM Method D1428.

BOARD NOTE: Derived from 40 CFR 141.41 (1989).

(Source: Section 611.630 renumbered from Section 611.610 and amended at 16 Ill. Reg. , effective)

Section 611.631 Special Monitoring for Inorganic Chemicals

Monitoring of the contaminants listed in subsection (1) must be conducted as follows:

- a) See Section 611.100(e).

- b) Each CWS and NTNCWS supplier shall take one sample at each sampling point for each contaminant listed in

subsection (1) and report the results to the Agency. Monitoring must be completed by December 31, 1995.

BOARD NOTE: Derived from 40 CFR 141.40(n)(2), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

Each CWS and NTN/CWS supplier may apply to the Agency for an adjustment from the requirements of subsection (b).

BOARD NOTE: Derived from 40 CFR 141.40(n)(3), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

d) The Agency shall grant an adjustment from the requirement of subsection (b) if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

BOARD NOTE: Derived from 40 CFR 141.40(n)(4), as amended at 56 Fed. Reg. 3578, January 30, 1991.

e) Definitions. As used in this section:

"Distribution system" includes all points downstream of an "entry point".

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the PWS, and upstream of any mixing with other water.

"GWS" is as defined in Section 611.600.

"Mixed system" is as defined in Section 611.600.

"Representative" means that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be representative, a sample must be taken under normal seasonal operating conditions.

"Source" means a well, reservoir or other source

of raw water.

"SWS" is as defined in Section 611.600.

"Treatment" means any process: which changes the physical or chemical properties of water; which is under the control of the supplier; and, which is not a "point of use" or "point of entry" treatment device" as defined in Section 611.101. "Treatment" includes, but is not limited to: aeration, coagulation, sedimentation, filtration, activated carbon, chlorination and fluoridation.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

f) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in Section 611.610. Each sampling point must be "representative." The total number of sampling points must be representative of the water delivered to users throughout the PWS.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

Sampling points.

1) Sampling points for GWS. Unless otherwise provided by SEP, the following are the sampling points for GWSs: Each entry point.

2) Sampling points for SWS and mixed systems. Unless otherwise provided by SEP, the following are sampling points for SWS and mixed systems:

A) Each entry point; or

B) Points in the distribution system.

3) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.

4) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the

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supplier demonstrates that the points are more representative than the generally required point.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- h) See Section 611.100(e).
- i) See Section 611.100(e).
- j) Instead of performing the monitoring required by this Section, a CWS and NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier shall not send such samples to the Agency, unless requested to do so by the Agency.

BOARD NOTE: Derived from 40 CFR 141.40(n)(10), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

- k) See Section 611.100(e).
- l) List of Inorganic Contaminants:

<u>Contaminant</u>	<u>Inorganic Methods</u>
<u>Antimony</u>	<u>Graphite Furnace Atomic Absorption; Inductively Coupled Plasma</u>
<u>Beryllium</u>	<u>Graphite Furnace Atomic Absorption; Inductively Coupled Mass Spectrometry Plasma; Spectrophotometric</u>
<u>Nickel</u>	<u>Atomic Absorption; Inductively Coupled Plasma; Graphite Furnace Atomic Absorption</u>
<u>Sulfate</u>	<u>Colorimetric</u>
<u>Thallium</u>	<u>Graphite Furnace Atomic Absorption; Inductively Coupled Mass Spectrometry Plasma</u>

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Cyanide Spectrophotometric

BOARD NOTE: Derived from 40 CFR 141.40(n)(12), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 Ill. Reg. , effective)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.640 Definitions

The following terms are defined for use in this Subpart only. Additional definitions are located in Section 611.102.

"Eight organic contaminants" means:

- Benzene
- Carbon tetrachloride
- p-Dichlorobenzene.
- 1,2-Dichloroethane
- 1,1-Dichloroethylene
- 1,1,1-Trichloroethane
- Trichloroethylene
- Vinyl chloride

BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(1) - (8), as amended at 56 Fed. Reg. 3578, January 30, 1991. These MCLs are located at Section 611.311(a).

"Eleven Pesticides and PCBs" means:

- Alachlor
- Atrazine
- Carbofuran
- Chlordane
- Dibromochloropropane
- Ethylene dibromide
- Lindane
- Methoxychlor
- Polychlorinated biphenyls
- Toxaphene
- 2,4,5-TP

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) - (18), as amended at 56 Fed. Reg. 3578, January 30, 1991, excluding 2,4-D, heptachlor and heptachlor

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- 2) The Agency shall, by ~~special exception permit~~SEP, require CWS suppliers utilizing only groundwater sources to collect samples at least once every three years.

BOARD NOTE: This applies also to additional State requirements.

- b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any ~~contaminant listed in Section 611.310 (a) and (b)~~old MCL exceeds the MCL, the CWS supplier shall report to the Agency within 7 days and initiate three additional analyses within one month.
- c) When the average of four analyses made pursuant to subsection (b), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the old MCL, the CWS supplier shall report to the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.24(a) through (d) ~~(1989)~~(1990).

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.645 Analytical Methods for Old MCLs

a)

Analysis made to determine compliance with the old MCLs of Section 611.310(a) must be made in accordance with the appropriate methods specified in Section 611.648(1).

~~the following methods, incorporated by reference in Section 611.102, or alternative methods approved pursuant to Section 611.480:~~

- 1) ~~Pesticide Methods; or~~
- 2) ~~ASTM Method D 3086; or~~

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- 3) ~~Standard Methods, 14th Edition, Method 509A; or~~
- 4) ~~USGS Methods, Book 5, Chapter A-3, pp. 24-39; or~~
- 5) ~~SPE Test Method Number SPE-500~~

BOARD NOTE: Derived from 40 CFR 141.24(e), amended at 56 Fed. Reg. 3578, January 30, 1991.

- b) ~~Analysis made to determine compliance with Section 611.310(b) must be conducted in accordance with:~~

- 1) ~~Pesticide Methods; or~~
- 2) ~~ASTM Method D 3478; or~~
- 3) ~~Standard Methods, 14th Edition, Method 509B; or~~
- 4) ~~USGS Method, Book 5, Chapter A-3, pp. 24-39.~~

~~BOARD NOTE: Derived from 40 CFR 141.24(e,f) (1989).~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 611.646 Ten Organic Contaminants

Analysis of the ten organic contaminants for the purpose of determining compliance with the MCL must be conducted as follows:

- a) Definitions. As used in this Section:

"Detection" means greater than or equal to 0.0005 mg/L.

BOARD NOTE: Drawn from 40 CFR 141.24(f)(7) and (20), amended at 56 Fed. Reg. 3578, January 30, 1991.

"Distribution system" includes all points downstream of an "entry point".

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the

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Unless otherwise provided by SEP, the following are sampling points for SMS and mixed systems:

- A) Each entry point; or
- B) Points in the distribution system.

3) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.

4) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.

BOARD NOTE: Derived from 40 CFR 141.24(f)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

Each CMS and NTNCMS supplier shall take four consecutive quarterly samples for each of the ten organic contaminants during each compliance period beginning in the compliance period starting January 1, 1993.

BOARD NOTE: Derived from 40 CFR 141.24(f)(4), amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CMSs.

e) Suppliers which do not detect one of the ten organic contaminants after conducting the initial round of monitoring required in subsection (d) shall take one sample annually.

BOARD NOTE: Derived from 40 CFR 141.24(f)(5), amended at 56 Fed. Reg. 3578, January 30, 1991.

f) Reduction of monitoring frequency.

1) Results of prior monitoring. If the initial monitoring for the ten organic contaminants as allowed in subsection (r) has been completed by December 31, 1992, and the supplier did not detect any of the eight or ten organic contaminants, then the supplier shall take one sample annually beginning January 1, 1993.

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"entry point" is a point just downstream of the other PWS, but upstream of the first user on the PWS, and upstream of any mixing with other water.

"GWS" is as defined in Section 611.640.

"Mixed system" is as defined in Section 611.640.

"Representative" means that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be representative, a sample must be taken under normal seasonal operating conditions.

"Source" means a well, reservoir or other source of raw water.

"SMS" is as defined in Section 611.640.

"Treatment" means any process; which changes the physical or chemical properties of water; which is under the control of the supplier; and, which is not a "point of use" or "point of entry."

"Treatment device" as defined in Section 611.101. "Treatment" includes, but is not limited to: aeration, coagulation, sedimentation, filtration, activated carbon, chlorination and fluoridation.

BOARD NOTE: Derived from 40 CFR 141.24(f)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u). Each sampling point must be "representative." The total number of sampling points must be representative of the water delivered to users throughout the system.

BOARD NOTE: Derived from 40 CFR 141.24(f)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

c) Sampling points.

1) Sampling points for GWS. Unless otherwise provided by SEP, the following are the sampling points for GWS: Each entry point.

2) Sampling points for SMS and mixed systems.

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- 2) Reduction to 3-year monitoring. After a minimum of three years of annual sampling, GWS suppliers which have no previous detection of any of the eight or ten organic contaminants shall take one sample during each compliance period.

BOARD NOTE: Derived from 40 CFR 141.24(f)(6), amended at 56 Fed. Reg. 3578, January 30, 1991.

- g) A CWS or NTNCWS supplier may apply for a waiver from the requirements of subsection (d) and (e). The Agency shall, after considering the factors in subsection (h), by SEP pursuant to Section 611.110, grant the waiver if:

- 1) The supplier has completed the initial monitoring; and
- 2) The supplier did not detect any one of the eight or ten organic contaminants.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), amended at 56 Fed. Reg. 3578, January 30, 1991. Provisions concerning the term of the waiver are below in subsections (i) and (j). The definition of "detected" is in Section 611.640. See Section 611.100(c) for applicability to non-CWSs.

- h) Vulnerability Assessment. The Agency shall grant a waiver after evaluating the following factor(s):

- 1) The Agency shall grant the waiver if the supplier demonstrates that there has been no previous use (including transport, storage or disposal) of the contaminant within the watershed or zone of influence.
- 2) If the contaminant has been used, or if previous use of the contaminant is unknown, the Agency shall use the following factors to determine whether a waiver is granted:

- A) Previous analytical results.
- B) The proximity of the PWS to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage

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facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities.

- C) The environmental persistence and transport of the contaminants.
- D) The number of persons served by the PWS and the proximity of a smaller PWS to a larger PWS.
- E) How well the water source is protected against contamination such as whether it is a SWS, mixed system or GWS. GWSs shall consider factors such as depth of the well, the type of soil, and wellhead protection. The "wellhead protection program" may be used, if appropriate, to meet these requirements. SWSs and mixed systems shall consider watershed protection. The Agency shall determine whether watershed protection is adequate, based on the following factors:
 - i) The comprehensiveness of the watershed review;
 - ii) The effectiveness of the PWS's program to monitor and control detrimental activities occurring in the watershed; and
 - iii) The extent to which the PWS has maximized land ownership or controlled land use within the watershed. At a minimum, the watershed control program must: characterize the watershed hydrology and land ownership; identify watershed characteristics and activities which may have an adverse effect on source water quality; and monitor the occurrence of activities which may have an adverse effect on source water quality.
 - iv) The supplier shall demonstrate through ownership or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the

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at 56 Fed. Reg. 3578, January 30, 1991.

- 3) Suppliers which monitor annually shall monitor during the quarter which previously yielded the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.24(f)(11)(iii), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- 4) Suppliers which have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a waiver with respect to that point, as specified in subsection (g).

BOARD NOTE: Derived from 40 CFR 141.24(f)(11)(iv), as amended at 56 Fed. Reg. 3578, January 30, 1991.

1) Quarterly monitoring following MCL violations.

- 1) Suppliers which violate an MCL for one of the ten organic contaminants, as determined by subsection (o), shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

- A) A supplier may request that the Agency reduce the monitoring frequency to annual. The request must be by way of a SEP application pursuant to Section 611.110.
- B) The request must include the following minimal information: four quarterly samples.
- C) The Agency shall, by SEP, allow annual monitoring at a sampling point, if it determines that the sampling point is reliably and consistently below the MCL.
- D) In issuing the SEP, the Agency shall specify:
 - i) The level of the contaminant upon which the "reliably and consistently" determination was based; and

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- ii) The level of the contaminant which, if exceeded in any one sample, would cause the supplier to reinitiate quarterly monitoring.

- E) The supplier shall monitor during the quarter which previously yielded the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.24(f)(12), amended at 56 Fed. Reg. 3578, January 30, 1991.

m) Confirmation samples.

- 1) If any of the ten organic contaminants are detected in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
- 2) Averaging is as specified in subsection (o).
- 3) The Agency shall delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.24(f)(13), amended at 56 Fed. Reg. 3578, January 30, 1991.

- n) See Section 611.100(e).

- o) Compliance with the MCLs for the ten organic contaminants must be determined based on the analytical results obtained at each sampling point.

- 1) For suppliers which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.
 - A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
 - B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of

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the Agency according to the following conditions:

- 1) To receive conditional approval to conduct analyses for the ten organic contaminants the laboratory must:
 - A) Analyze Performance Evaluation samples which include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c).
 - B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (D) for at least 80 percent of the eight or ten organic contaminants, except vinyl chloride.
 - C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) that are within ± 20 percent of the actual amount of the substances in the Performance Evaluation sample when the actual amount is greater than or equal to 0.010 mg/L, but not in excess of levels expected to be in drinking water.
 - D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) that are within ± 40 percent of the actual amount of the substances in the Performance Evaluation sample when the actual amount is less than 0.010 mg/L.
 - E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.
 - F) Be currently approved by USEPA or the Agency for the analyses of trihalomethanes under Subpart F.
 - 2) See Section 611.100(e).
- 2) BOARD NOTE: Derived from 40 CFR 141.24(f)(17), amended at 56 Fed. Reg. 3578, January 30, 1991. Data collected after January 30, 1991, but prior to the effective date of this Section, pursuant to Agency sample request letters, are deemed to meet the requirements of this Section, if the data are

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compliance immediately.

- C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.
- 2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.
- 3) Public notice is governed by Subpart I.
- BOARD NOTE: Derived from 40 CFR 141.24(f)(15), amended at 56 Fed. Reg. 3578, January 30, 1991.
- p) Analysis for the ten organic contaminants must be conducted using the following methods. These methods are contained in Organic Methods, incorporated by reference in Section 611.102:
 - 1) Method 502.1, "Volatile Halogenated Organic Chemicals in Water by Purge and Trap Gas Chromatography."
 - 2) Method 502.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."
 - 3) Method 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."
 - 4) Method 524.1, "Measurement of Purgeable Organic Compounds in Water by Purged Column Gas Chromatography/Mass Spectrometry."
 - 5) Method 524.2, "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry."
- q) Analysis under this Section must only be conducted by laboratories that have received approval by USEPA or amended at 56 Fed. Reg. 3578, January 30, 1991. BOARD NOTE: Derived from 40 CFR 141.24(f)(16), amended at 56 Fed. Reg. 3578, January 30, 1991.

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consistent with 40 CFR 141.24(f).

BOARD NOTE: Derived from 40 CFR 141.24(f)(18), amended at 56 Fed. Reg. 3578, January 30, 1991.

- s) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

BOARD NOTE: Derived from 40 CFR 141.24(f)(19), amended at 56 Fed. Reg. 3578, January 30, 1991.

- t) To be approved for the ten organic contaminants, a laboratory shall:
 - 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the ten organic contaminants; and,
 - 2) Achieve an MDL for each which is less than or equal to 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(20), amended at 56 Fed. Reg. 3578, January 30, 1991.

- u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP.

BOARD NOTE: Derived from 40 CFR 141.24(f)(21), amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 Ill. Reg. , effective)

Section 611.647 Sampling for ~~VOEs~~Eight Organic Contaminants

Analysis of the ~~VOEs~~ listed in ~~Section 611.311(a)~~eight organic contaminants for purposes of determining compliance with the MCLs must be conducted as follows:

- a) CWS or NTCWS suppliers using groundwater sources shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in

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subsection (h)(1).

- b) CWS or NTCWS suppliers using surface sources shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. SWSS and mixed systems must sample each source every three months except as provided in subsection (h)(2). Sampling must be conducted at the same location or a more representative location each quarter.
- c) If the CWS or NTCWS draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point to the distribution system during periods of normal operating conditions.
- d) Time for sampling.
 - 1) All CWS and NTNCWS suppliers serving more than 3,300 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters.
 - 2) All other CWS and NTNCWS suppliers shall analyze distribution or entry-point samples, as required in this paragraph, representing all source waters beginning no later than January 1, 1991.

BOARD NOTE: See Section 611.100(c) for applicability to non-CWSs.

- e) If the results exceed the MCL, the CWS or ~~NTCWS~~NTNCWS supplier shall initiate three additional analyses at the same sampling point within one month. The sample results must be averaged with the first sampling result and used for compliance determination in accordance with subsection (i). The Agency shall delete results of obvious sampling errors from this calculation.

BOARD NOTE: See Section 611.100(c) for applicability to non-CWSs.

- f) Analysis for vinyl chloride is required only for GWSS that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene. The analysis

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- 2) The repeat monitoring frequency for SWSs and mixed systems is as follows:
- A) ~~When VOCs are not~~If none of the eight organic contaminants is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the CWS is not vulnerable as defined in subsection (h)(4), additional monitoring is not required.
- B) ~~When VOCs are not~~If none of the eight organic contaminants is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the CWS is vulnerable as defined in subsection (h)(4):
- i) Monitoring must be repeated every three years (for CWS with more than 500 connections).
 - ii) Monitoring must be repeated every five years (for CWS with less than 500 connections).
- C) ~~When VOCs are~~If one of the eight organic contaminants is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every 3 months, as required under subsection (b).
- 3) The Agency shall, by ~~special exception permit~~SEP, reduce the frequency of monitoring to once per year for a GWS or SWS ~~detecting VOCs~~which detects one of the eight organic contaminants at levels consistently less than the MCL for three consecutive years, unless the levels are increasing.
- 4) The Agency shall, by ~~special exception permit~~SEP, determine the vulnerability of each CWS based upon an assessment of the following factors:
- A) Previous monitoring results.
 - B) Number of persons served by CWS.
 - C) Proximity of a smaller CWS to a larger CWS.

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- D) Proximity to commercial or industrial use, disposal or storage of the ~~VOCs listed in Section 611.311~~the eight organic contaminants.
- E) Protection of the water source.
- 5) A CWS is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in Sections 611.650(e), 611.657(d) or 611.311(a), except for THMs or other demonstrated disinfection by-products.
- i) Compliance with Section 611.311(a) is determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the CWS or NTCWS is deemed to be out of compliance. If a CWS or NTCWS has a distribution system separable from other parts of the distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in Section 611.311(a) is deemed out of compliance. The Agency shall, by ~~special exception permit~~SEP, reduce the public notice requirement to that portion of the CWS which is out of compliance. If any one sample result would cause the annual average to be exceeded, then the CWS is deemed to be out of compliance immediately. For CWS suppliers that only take one sample per location because ~~no VOCs~~none of the eight organic contaminants were detected, compliance is based on that one sample.
 - j) Analysis under this Section must be conducted using the following methods or alternatives approved pursuant to Section 611.480. These methods are contained in Organic Methods, incorporated by reference in Section 611.102:
 - 1) Method 502.1.
 - 2) Method 503.1.
 - 3) Method 524.1.
 - 4) Method 524.2.
 - 5) Method 502.2.

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- A) Analyze performance evaluation samples provided by the Agency. (See 35 Ill. Adm. Code 183.125(c)(3).)
- B) Achieve quantitative results on the analyses performed under subsection (k)(2)(A) that are within +/- 40 percent of the actual amount of vinyl chloride in the performance evaluation sample.
- C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.
- D) Receive approval or be currently approved by the Agency under subsection (k)(1).

m) The Agency shall, by special exception permit, increase required monitoring where it determines that it is necessary to do so to detect variations within the CMS.

n) See Section 611.100(e).

o) Each approved laboratory shall determine the method detection limit (MDL), as defined in 40 CFR 136, App. B, incorporated by reference in Section 611.102, at which it is capable of detecting each of the eight organic contaminants. The acceptable MDL is 0.0005 mg/L. This concentration is the detection level for purposes of subsections (e), (f), (g) and (h).

BOARD NOTE: Derived from 40 CFR 141.24(g) (1989).
 (Source: Section 611.648 renumbered to Section 611.647 and amended at 16 Ill. Reg. , effective)

Section 611.648 Eleven Pesticides and PCBs

Analysis of the eleven pesticides and PCBs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detection" is as specified in subsection (m).
 "Distribution system" includes all points downstream of an "entry point".

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k) Analysis under this Section must only be conducted by laboratories that have received conditional approval by the Agency, pursuant to Section 611.490, according to the following conditions:

- 1) To receive conditional approval to conduct analyses for benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane and para-dichlorobenzene the eight organic contaminants, except vinyl chloride, the laboratory shall:
 - A) Analyze performance evaluation samples which include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c)(3).
 - B) Achieve the quantitative acceptance limits under subsection (k)(1)(C) or (D) for at least six of the seven ~~subject organic~~ ~~emissions~~ organic contaminants, except vinyl chloride.
 - C) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within +/- 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L.
 - D) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within +/- 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L.
 - E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102
 - F) Be currently approved by the Agency for the analyses of THMs under Subpart F.
- 2) To receive conditional approval for vinyl chloride, the laboratory shall:

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"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the PWS, and upstream of any mixing with other water.

"GWS" is as defined in Section 611.640.

"Mixed system" is as defined in Section 611.640.

"Representative" means that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be representative, a sample must be taken under normal seasonal operating conditions.

"Source" means a well, reservoir or other source of raw water.

"SWS" is as defined in Section 611.640.

"Treatment" means any process: which changes the physical or chemical properties of water; which is under the control of the supplier; and, which is not a "point of use" or "point of entry treatment device" as defined in Section 611.101.

"Treatment" includes, but is not limited to: aeration, coagulation, sedimentation, filtration, activated carbon, chlorination and fluoridation.

BOARD NOTE: Derived from 40 CFR 141.24(h)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (g). Each sampling point must be "representative." The total number of sampling points must be representative of the water delivered to users throughout the system.

BOARD NOTE: Derived from 40 CFR 141.24(h)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- c) Sampling points.

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- 1) Sampling points for GWSSs. Unless otherwise provided by SEP, the following are the sampling points for GWSSs: Each entry point.

- 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, the following are sampling points for SWSs and mixed systems:

A) Each entry point; or

B) Points in the distribution system.

- 3) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.

- 4) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.

BOARD NOTE: Derived from 40 CFR 141.24(h)(1), (2) and (3), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- d) Monitoring frequency:

- 1) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples for each of the eleven pesticides and PCBs during each compliance period, starting January 1, 1993.

- 2) Suppliers serving more than 3,300 persons, which do not detect a contaminant in the initial compliance period, shall take a minimum of two quarterly samples in one year of each compliance period.

- 3) Suppliers serving less than or equal to 3,300 persons, which do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each compliance period.

BOARD NOTE: Derived from 40 CFR 141.24(h)(4), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSSs.

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ii) The level of the contaminant which, if exceeded in any one sample, would cause the supplier to reinitiate quarterly monitoring.

BOARD NOTE: Derived from 40 CFR 141.24(h)(7)(ii) and (iii), as amended at 56 Fed. Reg. 3578, January 30, 1991.

3) Suppliers which monitor annually shall monitor during the quarter which previously yielded the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.24(h)(7)(iii), as amended at 56 Fed. Reg. 3578, January 30, 1991.

4) Suppliers which have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a waiver with respect to that point, as specified in subsection (g).

BOARD NOTE: Derived from 40 CFR 141.24(h)(7)(iv), as amended at 56 Fed. Reg. 3578, January 30, 1991.

5) See Section 611.100(e).

BOARD NOTE: Derived from 40 CFR 141.24(h)(7)(v), as amended at 56 Fed. Reg. 3578, January 30, 1991.

h) Quarterly monitoring following MCL violations.

1) Suppliers which violate an MCL for one of the eleven pesticides and PCBs, as determined by subsection (l), shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) A supplier may request that the Agency reduce the monitoring frequency to annual. The request must be by way of a SEP application pursuant to Section 611.110.

B) The request must include the following minimal information: four quarterly samples.

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C) The Agency shall, by SEP, allow annual monitoring at a sampling point, if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency shall specify:

i) The level of the contaminant upon which the "reliably and consistently" determination was based; and

ii) The level of the contaminant which, if exceeded in any one sample, would cause the supplier to reinitiate quarterly monitoring.

E) The supplier shall monitor during the quarter which previously yielded the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.24(h)(8), as amended at 56 Fed. Reg. 3578, January 30, 1991.

i) Confirmation samples.

1) If any of the eleven pesticides and PCBs are detected in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k).

3) The Agency shall delete the original sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.24(h)(9), as amended at 56 Fed. Reg. 3578, January 30, 1991.

j) See Section 611.100(e).

k) Compliance with the MCLs for the eleven pesticides and PCBs must be determined based on the analytical results obtained at each sampling point.

l) For suppliers which are conducting monitoring at a

frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) Public notice is governed by Subpart T.

BOARD NOTE: Derived from 40 CFR 141.24(h)(11), as amended at 56 Fed. Reg. 3578, January 30, 1991.

1) Analysis for the eleven organic contaminants and PCBs must be conducted using the following methods. These methods are contained in Methods for the Determination of Organic Compounds in Drinking Water, incorporated by reference in Section 611.102.

A) Method 504, "1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) in Water by Microextraction and Gas Chromatography." Method 504 can be used to measure dibromochloropropane (DBCP) and ethylene dibromide (EDB).

B) Method 505, "Analysis of Organohalide Pesticides and Commercial Polychlorinated Biphenyl Products (Aroclors) in Water by Microextraction and Gas Chromatography." Method 505 can be used to measure alachlor, atrazine, chlordane, heptachlor, heptachlor epoxide, lindane, methoxychlor, and toxaphene. Method 505 can be used as a screen for PCBs.

C) Method 507, "Determination of Nitrogen- and Phosphorus-containing Pesticides in Ground Water by Gas Chromatography with a Nitrogen-Phosphorus Detector." Method 507 can be used to measure alachlor and atrazine.

D) Method 508, "Determination of Chlorinated Pesticides in Water by Gas Chromatography with an Electron Capture Detector." Method 508 can be used to measure chlordane, heptachlor, heptachlor epoxide, lindane and methoxychlor. Method 508 can be used as a screen for PCBs.

E) Method 508A, "Screening for Polychlorinated Biphenyls by Perchlorination and Gas Chromatography." Method 508A is used to quantitate PCBs as decachlorobiphenyl if detected in Methods 505 or 508.

F) Method 515.1, "Determination of Chlorinated Acids in Water by Gas Chromatography with an Electron Capture Detector." Method 515.1 can be used to measure 2,4-D, 2,4,5-TP (Silvex) and pentachlorophenol.

G) Method 525, "Determination of Organic Compounds in Drinking Water by Liquid-Solid Extraction and Capillary Column Gas Chromatography/Mass Spectrometry." Method 525 can be used to measure alachlor, atrazine, chlordane, heptachlor, heptachlor epoxide, lindane, methoxychlor, and pentachlorophenol.

H) Method 531.1, "Measurement of N-Methyl Carbamoyloximes and N-Methyl Carbamates in Water by Direct Aqueous Injection HPLC with Post-Column Derivatization." Method 531.1 can be used to measure aldicarb, aldicarb sulfide, aldicarb sulfone, and carbofuran.

BOARD NOTE: Derived from 40 CFR 141.24(h)(12), as amended at 56 Fed. Reg. 3578, January 30, 1991.

m) Analysis for PCBs must be conducted as follows:

1) Each supplier which monitors for PCBs shall analyze each sample using either Method 505 or Method 508, above.

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- 2) If PCBs are detected (as defined in subsection (r)) in any sample analyzed using Methods 505 or 508, the supplier shall reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl). The Aroclors are "detected" if the level is greater than or equal to the following concentrations for each Aroclor:

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

- 3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using Method 508A.

BOARD NOTE: Derived from 40 CFR 141.24(h)(13), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- n) Data collected after January 30, 1991, but prior to the effective date of this Section, pursuant to Agency sample request letters, are deemed to meet the requirements of this Section, if the data are consistent with 40 CFR 141.24(h).

BOARD NOTE: Derived from 40 CFR 141.24(h)(14), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- o) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

BOARD NOTE: Derived from 40 CFR 141.24(h)(15), as amended at 56 Fed. Reg. 3578, January 30, 1991.

- p) See Section 611.100(e).

- q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP.

BOARD NOTE: Derived from 40 CFR 141.24(h)(17), as amended at 56 Fed. Reg. 3578, January 30, 1991.

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- r) "Detection" means greater than or equal to the following concentrations for each contaminant.

Contaminant	Detection Limit (mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Carbofuran	0.0009
Chlordane	0.0002
Dibromochloropropane (DBCP)	0.00002
2,4-D	0.0001
Ethylene dibromide (EDB)	0.00001
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Lindane	0.00002
Methoxychlor	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Toxaphene	0.001
2,4,5-TP (Silvex)	0.0002

BOARD NOTE: Derived from 40 CFR 141.24(h)(18), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Section 611.648 renumbered to Section 611.647, new Section 611.648 added at 16 Ill. Reg. , effective)

Section 611.650 Monitoring for 36 Contaminants (Repealed)

- a) ~~All CWS and NTNCWS suppliers shall monitor for the contaminants listed in subsection (e) by the following dates:~~
- 1) ~~Less than 3300 persons served: monitoring to begin no later than January 1, 1991.~~
 - 2) ~~All others: immediately.~~
- b) ~~Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water~~

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~~BOARD NOTE: Derived from 40 CFR 141.40(a) through (f) (1989).~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 611.657 Analytical Methods for 36 Contaminants
(Repealed)

~~a) Analysis under Section 611.650 must be conducted using the following methods found in Organic Methods, incorporated by reference in Section 611.102:~~

- ~~1) Method 502.1;~~
- ~~2) Method 503.1;~~
- ~~3) Method 524.1;~~
- ~~4) Method 524.2;~~
- ~~5) Method 502.2; or~~
- ~~6) Method 504.~~

~~b) Analysis under this Section must only be conducted by laboratories approved under Section 611.648(k). In addition to the requirements of that Section, each laboratory analyzing for EDB and DBCP shall achieve a method detection limit for EDB and DBCP of 0.00002 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.~~

~~e) Suppliers may use monitoring data collected any time after January 1, 1983 to meet the requirements for unregulated monitoring, provided that the monitoring program was consistent with the requirements of this Section. In addition, PWSs may use monitoring data collected any time after January 1, 1983, provided the monitoring was consistent with this Section.~~

~~e) Instead of performing the monitoring required by this Section, a CWS or NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency or, for non-CWSs, Public Health stating that the PWS is available for sampling. This letter must be sent no later than January 1, 1991. The supplier shall not send such samples to the Agency, unless requested to do so by the Agency.~~

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~~f) All CWS and NTNCWS suppliers shall repeat the monitoring required in Section 611.650 no less frequently than every five years from the dates specified in Section 611.650(a).~~

~~g) The Agency or suppliers may composite up to five samples when monitoring for substances in Section 611.650(e).~~

~~BOARD NOTE: Derived from 40 CFR 141.40(g-m) (1989).~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 611.658 Special Monitoring for Organic Chemicals

Monitoring of the contaminants listed in subsection (k) must be conducted as follows:

a) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (k) and report the results to the Agency. Monitoring must be completed by December 31, 1995.

BOARD NOTE: Derived from 40 CFR 141.40(n)(1), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

b) See Section 611.100(e).

c) Each CWS and NTNCWS supplier may apply to the Agency for a waiver from the requirements of subsection (a).

BOARD NOTE: Derived from 40 CFR 141.40(n)(3), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWSs.

d) The Agency may grant a waiver for the requirement of subsection (a), based on the criteria specified in Section 611.648(f).

BOARD NOTE: Derived from 40 CFR 141.40(n)(4), as amended at 56 Fed. Reg. 3578, January 30, 1991.

e) Definitions. As used in this Section:

"Distribution system" includes all points downstream of an "entry point".

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1) Sampling points for GWS: Unless otherwise provided by SEP, the following are the sampling points for GWS: Each entry point.

2) Sampling points for SWS and mixed systems: Unless otherwise provided by SEP, the following are sampling points for SWS and mixed systems:

A) Each entry point; or

B) Points in the distribution system.

3) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.

4) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

h) See Section 611.100(e).

i) See Section 611.100(e).

j) Instead of performing the monitoring required by this section, a CWS and NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier shall not send such samples to the Agency unless requested to do so by the Agency.

BOARD NOTE: Derived from 40 CFR 141.40(n)(10), as amended at 56 Fed. Reg. 3578, January 30, 1991. See Section 611.100(c) for applicability to non-CWS.

k) List of Organic Contaminants:

Organic Contaminants
Organic Methods
Method

Aldrin
505, 508, 525

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"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the PWS, and upstream of any mixing with other water.

"CWS" is as defined in Section 611.640.

"Mixed system" is as defined in Section 611.640.

"Representative" means that a sample is expected to reflect the properties of water averaged over the period of time and portion of the PWS to be sampled. To be representative, a sample must be taken under normal seasonal operating conditions.

"Source" means a well, reservoir or other source of raw water.

"SWS" is as defined in Section 611.640.

"Treatment" means any process which changes the physical or chemical properties of water; which is under the control of the supplier; and, which is not a "point of use" or "point of entry treatment device" as defined in Section 611.101.

"Treatment" includes, but is not limited to: aeration, coagulation, sedimentation, filtration, activated carbon, chlorination and fluoridation.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

f) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (a). Each sampling point must be "representative." The total number of sampling points must be representative of the water delivered to users throughout the system.

BOARD NOTE: Derived from 40 CFR 141.40(n)(5), (6) and (7), as amended at 56 Fed. Reg. 3578, January 30, 1991.

g) Sampling points.

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<u>Benzo(a)pyrene</u>	<u>525, 550, 550.1</u>
<u>Butachlor</u>	<u>507, 525</u>
<u>Carbaryl</u>	<u>531.1</u>
<u>Dalapon</u>	<u>515.1</u>
<u>Di(2-ethylhexyl)adipate</u>	<u>506, 525</u>
<u>Di(2-ethylhexyl)phthalates</u>	<u>506, 525</u>
<u>Dicamba</u>	<u>515.1</u>
<u>Dieldrin</u>	<u>505, 508, 525</u>
<u>Dinoseb</u>	<u>515.1</u>
<u>Diquat</u>	<u>549</u>
<u>Endothall</u>	<u>548</u>
<u>Glyphosate</u>	<u>547</u>
<u>Hexachlorobenzene</u>	<u>505, 508, 525</u>
<u>Hexachlorocyclopentadiene</u>	<u>505, 525</u>
<u>3-Hydroxycarbofuran</u>	<u>531.1</u>
<u>Methomyl</u>	<u>531.1</u>
<u>Metolachlor</u>	<u>507, 525</u>
<u>Metribuzin</u>	<u>507, 508, 525</u>
<u>Oxamyl (vydate)</u>	<u>531.1</u>
<u>Picloram</u>	<u>515.1</u>
<u>Propachlor</u>	<u>507, 525</u>
<u>Simazine</u>	<u>505, 507, 525</u>
<u>2,3,7,8-TCDD (Dioxin)</u>	<u>513</u>

BOARD NOTE: Derived from 40 CFR 141.40(n)(11), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Added at 16 Ill. Reg. , effective)

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section 611.851 Reporting MCL and other Violations

A supplier which fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

- a) Except as provided in subsection (c), the supplier shall give notice:
 - 1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be

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given by publication in a weekly newspaper of general circulation serving the area; and

- 2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by ~~special exception permit~~ SEP that the ~~PWS~~ supplier in violation has corrected the violation or failure within the 45-day period; and
 - 3) For violations of the MCLs of contaminants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:
 - A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.
 - B) Violation of the MCL for nitrate or nitrite in Section 611.300(b).
 - C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).
 - D) Occurrence of a waterborne disease outbreak.
- b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.
 - c) Alternative methods of notice.
 - 1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand

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Protection Agency (USEPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has ~~has~~ been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

- 5) Benzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with

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little to none of this risk and should be considered safe.

- 6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards

concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact _____ at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1989)(1990).

10)

Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with

and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

BOARD NOTE: Derived from 40 CFR 141.32(e)(1989), as amended at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1989(1) - (8) (1990).

9)

Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of _____ milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride

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disease-causing organisms in drinking water, but also may be ~~caused~~ caused by a number of factors other than your drinking water. USEPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA requirements is associated with little to none of this risk and should be considered safe.

- 11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be ~~contaminated~~ contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.
- 12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage

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or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be ~~contaminated~~ contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

13) See Section 611.100(e).

14) See Section 611.100(e).

15) Asbestos. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking; in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysolite asbestos fibers greater than 10 micrometers in length is associated with

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ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

- 21) Nitrite. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.

- 22) Selenium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to

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high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

- 23) Acrylamide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

- 24) Alachlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or

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Agency (USEPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31)

Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, dibromochloropropane may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for DBCP at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32)

O-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of

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other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

25) See Section 611.100(e).

26) See Section 611.100(e).

27) See Section 611.100(e).

28) Atrazine. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to affect offspring of rats and the heart of dogs. USEPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

30) Chlordane. The United States Environmental Protection

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laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

- 33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

- 34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse

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health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

- 35) 1,2-Dichloropropane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into ground water. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.
- 36) 2,4-D. This contaminant is subject to a "additional State requirement". The supplier shall give a general notice under Section 611.854.
- 37) Epichlorohydrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory

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been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

- 45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

- 46) See Section 611.100(e).

- 47) Styrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to

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styrene.

- 48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.
- 49) Toluene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to toluene.
- 50) Toxaphene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic

conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

51)

2,4,5-TP. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52)

Xylenes. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the

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drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1989), as amended at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1989, (10) - (52) (1990), as amended at 56 Fed. Reg. 3578, January 30, 1991.

(Source: Amended at 16 Ill. Reg. , effective

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Landscape Architecture Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1275
- 3) Section Numbers:

1275.40	Amendment
1275.50	Amendment
1255.80	New Section
- 4) Statutory Authority: Ill. Rev. Stat., 1991, ch. 111, pars. 8108, 8111 and 8112.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking incorporates a name change for the national examination for landscape architects and provides a new section on license restoration.

Sections 1275.40 and 1275.50 reflect the name change of the national examination to the Landscape Architect Registration Examination (L.A.R.E.).

Section 1275.80 outlines steps for persons seeking to restore licenses that have been expired or on inactive status.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

- All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

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- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 25, 1992
 - B) Types of small businesses affected: Businesses providing landscape architect services.
 - C) Reporting, bookkeeping or other procedures required for compliance: Persons seeking restoration of an expired or inactive license will be required to submit fees set forth in the Act. Those whose licenses have been expired or on inactive status for more than 5 years will be required to file application forms with the Department and appear before the Board for an interview.
 - D) Types of professional skills necessary for compliance: Landscape architect skills are required for licensure.

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

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- b) A person seeking restoration of a license which has been placed on inactive status for less than five (5) years shall have the license restored upon payment of the renewal fee as set forth in Section 14(a)(4) of the Act.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than five (5) years shall file an application, on forms supplied by the Department, together with the fee required by Section 14(A) of the Act and be scheduled for an interview before the Board. The person shall also submit either:
 - 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Proof of passage of the L.A.R.E. examination during the period the license was lapsed or on inactive status.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Numbers: Proposed Action:

1330.10	Amendment
1330.20	Amendment
1330.30	Amendment
1330.40	Amendment
1330.50	Amendment
1330.55	Amendment
1330.70	Amendment
1330.75	New Section
1330.80	Amendment
1330.90	Amendment
1330.91	Amendment
1330.92	Amendment
1330.93	Amendment
1330.94	Amendment
1330.95	Amendment
1330.96	New Section
1330.99	New Section
1330.100	Amendment
1330.110	Amendment
1330.120	Amendment
1330.130	Amendment
1330.140	Amendment
- 4) Statutory Authority: Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4123, 4126-4129, 4131-4138, 4145, 4150 and 4155.1).
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking adds new Sections dealing with (1) security requirements for the prescription area of pharmacies, (2) non-resident (out-of-state) pharmacies which serve Illinois residents and (3) enteral/parenteral product standards. Various technical, typographical and format changes also are made.

New Section 1330.75 gives security requirements for pharmacies and Schedule II drugs.

New Section 1330.96 implements Section 16a of the Act, which authorizes the Department of Professional Regulation to establish rules and regulations governing mail-order pharmacies that sell, or offer for sale, drugs, medicines or other pharmaceutical services in this State. The new rules require non-resident (out-of-state) pharmacies doing business in Illinois to comply with the laws of

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Interested persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 26, 1992.

B) Types of small businesses affected: Pharmacies.

C) Reporting, bookkeeping or other procedures required for compliance:

Non-resident pharmacies are required to report to the Department any change of a pharmacist in-charge in Illinois. They also must report the location, names and titles of all principal corporate officers and all pharmacists who are dispensing medical drugs or controlled substances or medical devices to residents of this State.

D) Types of professional skills necessary for compliance:

Pharmacy skills are necessary for licensure.

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

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this State as well as the state in which the pharmacy is located. A non-resident pharmacy also will be required to designate a pharmacist-in-charge who is licensed in Illinois and to provide an incoming toll free telephone number for use by Illinois customers to be answered by a pharmacist with access to patient records.

New Section 1330.99 sets forth standards for Divisions I, II, III, IV and V pharmacies whose practice includes the preparation, labeling and distribution of enteral/parenteral products pursuant to prescriptions or drug orders as defined in the Act.

Section 1330.40(c) allows applicants who have successfully completed the Theoretical and Applied Pharmaceutical Sciences examination and/or the Federal Law examination recognized by the Department in another jurisdiction to have their examination scores submitted to the Department from the reporting entity.

In Section 1330.95, subsection (c)(2) was added to clarify that a prescription for Schedule III, IV and V drugs may be transferred from the original pharmacy one time for the purpose of refill dispensing and may not be transferred further.

In the Section pertaining to license renewal, 1330.120(c) was added to clarify that practicing or operating on a license or certificate which has expired shall be considered unlicensed activity and shall be grounds for discipline.

New language in Section 1330.140 clarifies that the same continuing education hours cannot be used to fulfill the continuing education requirement for more than one renewal period.

6) Will these proposed amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330
PHARMACY PRACTICE ACT OF 1987

Section	
1330.10	Application for <u>Certificate of Registration as a Pharmacy Technician</u> Apprenticeship Technician License
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
1330.60	Reciprocity
1330.70	Definitions
1330.75	<u>Security Requirements</u>
1330.80	Violations
1330.90	Divisions of Pharmacy Licenses
1330.91	Division I Pharmacies
1330.92	Division II Pharmacies
1330.93	Division III Pharmacies
1330.94	Division IV Pharmacies
1330.95	Division V Pharmacies
1330.96	<u>Non-Resident Pharmacies</u>
1330.99	<u>Enteral/Parenteral Product Standards</u>
1330.100	Application F for a Pharmacy License
1330.110	Granting Variances
1330.120	Renewals
1330.130	Restoration
1330.140	Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991 1989, ch. 111, par. 4121 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 1981; codified at 5 Ill. Reg. 11049, emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective

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December 17, 1986; recodified from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 15, 1988; amended at 16 Ill. Reg. _____, effective _____.

Section 1330.10 Application for Certificate of Registration as a Pharmacy Technician
~~Apprenticeship Technician License~~

- a) An applicant for a certificate of registration as a pharmacy technician license shall file an application on forms supplied by the Department of Professional Regulation (Department) together with:
 - 1) ~~A recent photograph not larger than 2-1/2 by 2-1/2 inches;~~
 - 2) 1) A copy of high school diploma or its equivalent; and
 - 2) ~~An affidavit, completed and signed by a registered pharmacist, stating that the applicant is employed or is expected to be employed in a pharmacy; and~~
 - 4) 2) The fee required by Section 25 of the Pharmacy Practice Act of 1987 (the "Act") (Ill. Rev. Stat. 1991 1985, ch. 111, par. 4121 et seq.) pursuant to Section 27(A)(1) 4052.1.
- b) Pursuant to Section 9 of the Act, an applicant may assist a registered pharmacist for 60 days upon submission of an application to the Department in accordance with subsection (a) above.
- b) ~~A complete application will be approved and an applicant so notified within 30 days.~~
- c) ~~If the application is incomplete, the applicant will be so notified within 30 days.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.20 Approval of Pharmacy Programs

~~To be eligible for examination as a registered pharmacist, an applicant shall have graduated from a first professional degree program in pharmacy from a school, college, university, or the pharmacy department of any university or other institution recognized and approved by the Department and shall have complied with the other provisions of Section 6 of the Pharmacy Practice Act (Ill. Rev. Stat. 1983, ch. 111, par. 4001, et seq.) (The Act).~~

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the program, ~~the applicant~~ he will be required to provide such additional information as necessary. Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever ~~is comes~~ comes first, the Board will evaluate the program based on all documentation received from the school and any additional information the Department has received which will enable the Board to evaluate the program based on the criteria specified in this Section. In the event the program is not approved as reputable and in good standing by the Department, applicants from the program must successfully complete the preliminary diagnostic examination and all such other requirements as set forth in the Act and this Part.

d) The Director shall, upon a written recommendation submitted by the Board, withdraw, suspend or place on probation the approval of a pharmacy program when the Director determines, based upon the report of the Board, the quality of the program has been materially affected. In determining the existence of a material effect, the Board and the Director shall consider the existence of any of the following causes:

- 1) Gross or repeated violations of ~~any~~ the provision of the Act;
- 2) Gross or repeated violations of any ~~provision portion~~ provision of this Part;
- 3) Fraud or dishonesty in furnishing documentation for evaluation of the pharmacy program; ~~or~~
- 4) Failure to continue to meet the established criteria for an approved pharmacy program as set out in this Section.

e) ~~Where approval of a~~ A Pharmacy Program whose approval is being reconsidered by the Department, shall be given written notice ~~shall be given~~ given at least 15 days prior to any recommendation by the Board, and the officials in charge may either submit written comments or request an interview before the Board.

f) The Department, upon the recommendation of the Board, has determined that all pharmacy programs accredited by the American Council on Pharmaceutical Education as of July 1, 1991 ~~1984~~, meet the minimum criteria set forth in paragraph (a) above and are, therefore, approved. The Board shall review the list of accredited programs published each year on July 1 by the American Council on Pharmaceutical Education in order to determine whether ~~that~~ the programs continue to meet the minimum criteria.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 1330.30 Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20

Applicants who are graduates of a first professional degree program in pharmacy of at least 5 academic years that is not approved pursuant to the provisions of Section 1330.20 shall submit proof of:

- a) ~~p~~Passage of the preliminary diagnostic examination; ~~(Foreign Pharmacy Graduate Equivalency Exam (FPGEE))~~ designed to determine equivalence of education to programs approved pursuant to Section 1330.20;
- b) ~~p~~Passage of the Test of English as a Foreign Language (TOEFL) examination with a score of at least 550; and,
- c) ~~e~~Completion of a course of clinical instruction approved by the Board as required by Section 6 of the Act (~~Ill. Rev. Stat. 1983, ch. 111, par. 4007~~). The course of clinical instruction shall be conducted under the supervision of a pharmacist registered in the State of Illinois. The applicant shall obtain prior approval of the Board before enrolling in the course of clinical instruction. In approving a course of clinical instruction, the Board shall consider, but not be limited to, whether ~~the such~~ course:
 - 1) ~~e~~Enhances development of effective communication skills by enabling consultation between the applicant, the prescriber and the patient;
 - 2) ~~p~~Promotes development of medical data retrieval skills through exposure to patient medical charts, patient medication profiles and other similar sources of patient information;
 - 3) ~~p~~Promotes development of the applicant's ability to research and analyze drug information literature; and
 - 4) ~~p~~Promotes development of the applicant's ability to interpret laboratory test and physical examination results.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.40 Application for Examination

- a) An applicant for examination shall apply on forms approved by the Department, at least 30 days prior to an examination date. The application shall include:
 - 1) ~~a recent photograph not larger than 2-1/2 by 2-1/2 inches;~~
 - 2) 1) Either:

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- A) Certification of graduation from a first professional degree program in pharmacy totaling at least 5 academic years. Such program must be approved by the Department upon recommendation of the Board of Pharmacy pursuant to the provisions of Section 1330.20; or
- B) Certification, in the case of an applicant applying in the last half-year of the curriculum, certification from the dean of an approved pharmacy program indicating that the applicant is expected to graduate, successfully complete the curriculum, however, the applicant shall not be allowed to sit for the examination until the Department has received certification of graduation, as provided in subparagraph (A) this paragraph; or If is the responsibility of the individual school to notify the Department of all the students who do not graduate.
- C) Proof of compliance with Section 1330.30 of this Part if the applicant is a graduate of a program not approved pursuant to the provisions of Section 1330.20 of this Part.
- 2) The fee as required by Section 27(B)(2) 25 of the Act (Ill. Rev. Stat. 1983, ch. 111, par. 1052.1)
- b) An applicant whose application is complete shall be scheduled for the next available examination and so notified within 10 days prior to the examination.
- c) If the applicant has successfully completed the Theoretical and Applied Pharmaceutical Sciences examination and/or the Federal Law examination recognized by the Department in another jurisdiction, the applicant may have examination scores submitted to the Department from the reporting entity. If the applicant is incomplete, the applicant shall be so notified within 15 days.
- (Source: Amended at 16 Ill. Reg. _____ effective _____)
- Section 1330.50 Examination for Licensure
- a) The examination for licensure as a registered pharmacist shall be divided into two portions:
- 1) Theoretical and Applied Pharmaceutical Sciences portion which shall test the following subjects:
 - A) Medicinal Chemistry;
 - B) Pharmacology;
 - C) Pharmacy;
 - D) Pharmaceutical Calculations;
- 2) A tutorial or preceptorship with a faculty member in an approved Pharmacy College or another pharmacist as a preceptor. Such course of instruction must be deemed by the Board to be

d) Pursuant to Section 7 of the Act, an applicant may work as a registered pharmacist for up to 60 days prior to the issuance of a certificate of registration upon receipt of a notice from the Department that the examination was successfully completed.

e) For the purposes of this Section remedial training shall be defined as:

1) A course of study of at least 30 classroom hours in the subject(s) of the portion(s) failed three times in an approved Pharmacy college; or,

2) A tutorial or preceptorship with a faculty member in an approved Pharmacy College or another pharmacist as a preceptor. Such course of instruction must be deemed by the Board to be

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- A) Certification of graduation from a first professional degree program in pharmacy totaling at least 5 academic years. Such program must be approved by the Department upon recommendation of the Board of Pharmacy pursuant to the provisions of Section 1330.20; or
- B) Certification, in the case of an applicant applying in the last half-year of the curriculum, certification from the dean of an approved pharmacy program indicating that the applicant is expected to graduate, successfully complete the curriculum, however, the applicant shall not be allowed to sit for the examination until the Department has received certification of graduation, as provided in subparagraph (A) this paragraph; or If is the responsibility of the individual school to notify the Department of all the students who do not graduate.
- C) Proof of compliance with Section 1330.30 of this Part if the applicant is a graduate of a program not approved pursuant to the provisions of Section 1330.20 of this Part.
- 2) The fee as required by Section 27(B)(2) 25 of the Act (Ill. Rev. Stat. 1983, ch. 111, par. 1052.1)
- b) An applicant whose application is complete shall be scheduled for the next available examination and so notified within 10 days prior to the examination.
- c) If the applicant has successfully completed the Theoretical and Applied Pharmaceutical Sciences examination and/or the Federal Law examination recognized by the Department in another jurisdiction, the applicant may have examination scores submitted to the Department from the reporting entity. If the applicant is incomplete, the applicant shall be so notified within 15 days.
- (Source: Amended at 16 Ill. Reg. _____ effective _____)
- Section 1330.50 Examination for Licensure
- a) The examination for licensure as a registered pharmacist shall be divided into two portions:
- 1) Theoretical and Applied Pharmaceutical Sciences portion which shall test the following subjects:
 - A) Medicinal Chemistry;
 - B) Pharmacology;
 - C) Pharmacy;
 - D) Pharmaceutical Calculations;
- 2) A tutorial or preceptorship with a faculty member in an approved Pharmacy College or another pharmacist as a preceptor. Such course of instruction must be deemed by the Board to be

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substantially equivalent to subsection (1) above and approved by the Department. Any remedial training must be approved by the Board and the Department prior to commencement.

- e) f) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.55 Application for Licensure on the Basis of Examination

- a) An applicant for licensure on the basis of examination shall submit to the Department a properly completed application on forms provided by the Department along with the following:
 - 1) ~~One recent photograph, not larger than 2-1/2 by 2-1/2 inches;~~
 - 2) ~~1) The Fee of \$25 as required by Section 27(B)(1) 25 of the Act (Ill. Rev. Stat. 1983, ch. 111, par. 4052.1); and~~
 - 2) Certification of graduation from an approved program of pharmacy as set forth in Section 1330.20; and
 - 3) Proof of successful completion of the examination approved by the Department specified in Section 1330.50 of this Part.
- b) Upon receipt of the items required in subsection (a) of this Section, and upon the verification by the Department that the candidate meets all of the requirements for licensure as a Registered Pharmacist, the Department shall issue a license to practice pharmacy or notify the applicant of the reason for denial ~~send the candidate a licensure certificate within no more than ten (10) working days from the day of receipt of the items required in subsection (a), above.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.70 Definitions

"Authentication of Product History" means, but is not limited to, identifying the purchasing source, the ultimate disposition and any intermediate handling of any component of a radiopharmaceutical, diagnostic agent or device.

"Deliver" means the actual, constructive or attempted transfer of possession of a prescription medication.

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"Dispense" means to interpret, select the prescribed product, prepare, and/or deliver a prescription medication to an ultimate consumer or to a person authorized to receive the prescription medication by or pursuant to the lawful order of a practitioner, including the compounding, packaging, computer entry and/or labeling necessary for delivery and any recommending, ~~or~~ advising and counseling concerning the contents, and therapeutic values, and uses and any precautions, warnings and/or advice concerning consumption. thereof.

"Distribute" means to deliver, other than by dispensing, a prescription medication.

"Division I pharmacy" is any pharmacy which engages in general community pharmacy practice and which is open to, or offers pharmacy service to, the general public.

"Division II pharmacy" is any pharmacy whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. ~~1991 1989~~, ch. 111 1/2, par. 4151 - 4153 et seq.) or the Hospital Licensing Act (Ill. Rev. Stat. ~~1991 1989~~, ch. 111 1/2, par. 142 et seq.), or "AN ACT in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs" (Ill. Rev. Stat. ~~1991 1989~~, ch. 23, par. 1371 et seq.) and which is not located in the facility it serves.

"Division III pharmacy" is any pharmacy which is located in a facility licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act, or "AN ACT in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs" or a facility which is operated by the Department of Mental Health and Development Disabilities or the Department of Corrections, and which provides pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

"Division IV pharmacy" is any pharmacy which provides and/or offers for sale radiopharmaceuticals.

"Division V pharmacy" is any pharmacy which holds licenses in Division II or Division III which also provides pharmacy services to the general public, or is any pharmacy which is located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility (e.g., a university infirmary).

"Unprofessional conduct" "Gross immorality" under Section 7.6 of the Act shall include, but not be limited to, (Ill. Rev. Stat. 1987, ch. 111, par. 4019) means and includes any act of practice related to the practice of pharmacy which is wilful, wanton, repeated, or flagrant and likely to result in harm to an

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non-licensed persons (employees and public). This may be accomplished by measures such as walling off, locking doors, electronic security equipment, as approved by the Department.

- b) Schedule II drugs shall be secured in rooms, vaults, safes, cabinets, etc., under lock, whether by key, combination or electronically.
- c) Schedule II drugs shall not be distributed among regular stock.
- d) All secured Schedule II drugs shall be accessible only when a pharmacist is physically present.
- e) A pharmacist shall be physically present whenever Schedule II drugs are not secured and are to be dispensed.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 1330.80 Violations

- a) ~~A~~ registrant shall not:
 - 1) Permit the dispensing or distributing of a prescription medication to an ultimate consumer unless a registered pharmacist is physically present, on duty and available for consultation.
 - 2) Engage in a professional association, with any place defined as a drug store or pharmacy in the Act, wherein the practice of pharmacy is engaged in by any person who is not authorized to practice to do so under the Act or that is not operated and conducted in compliance with the Act.
 - 3) Compound, sell or offer for sale, or cause to be compounded, sold or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, under or by a name recognized in the United States Pharmacopoeia/National Formulary for internal or external use which differs from standard of strength, quality, purity, or bioavailability as determined by the tests specified in the United States Pharmacopoeia/National Formulary which is official at the time of such compounding, sale or offering for sale.
 - 4) Compound, sell or offer for sale, or willfully cause to be compounded, sold or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold.

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- b) No registrant shall violate any ~~portions~~ of the following laws, or ~~the~~ such rules or regulations promulgated pursuant thereto which relate to the practice of pharmacy:
 - 1) Illinois Food, Drug and Cosmetic Act, (Ill. Rev. Stat. ~~1991 1983~~, ch. 56 1/2, pars. 501 et seq.)
 - 2) "An Act to regulate the possession, delivery, sale or exchange of hypodermic syringes, hypodermic needles, and similar instruments", (commonly known as the Hypodermic Syringes and Needles Act) (Ill. Rev. Stat. ~~1991 1983~~, ch. 38, pars. 22-50 et seq.).
 - 3) Federal Food, Drug and Cosmetic Act- [21 U.S.C. 301 et seq. (1976)].
 - 4) Federal Controlled Substances Act [21 U.S.C. 301 et seq. (1976)].
 - 5) The Illinois Controlled Substances Act (Ill. Rev. Stat. ~~1991 1983~~, ch. 56 1/2, pars. 1101 et seq.).
 - 6) Cannabis Control Act (Ill. Rev. Stat. ~~1991 1983~~, ch. 56 1/2, pars. 701 et seq.).
 - 7) Illinois Poison Prevention Packaging Act (Ill. Rev. Stat. ~~1991 1983~~, ch. 111 1/2, pars. 291 et seq.).
 - 8) Poison Prevention Packaging Act of 1970 [15 U.S.C. 1471, et seq. (1976)].

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.90 Divisions of Pharmacy Licenses

- a) Each individual, partnership, corporation or any other applicant for a pharmacy license shall indicate, on forms supplied by the Department, the division designation(s) for which a license is being requested.
- b) The Board shall have the authority to review and make recommendations to the Director regarding the appropriate division designation of an applicant.
- c) A pharmacy, whose scope of services requires it to be placed in more than one division designation, shall be issued one pharmacy license for each division designated and shall be charged the appropriate fee, as set forth in Section 27(C) of the Act, for each division license issued. ~~which designates a different pharmacist in charge for each Division as established by~~

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Section 8(a) of the Act and shall be charged the appropriate fee, as set forth in Section 27(e) of the Act for each division license issued.

d) A pharmacy shall designate a different pharmacist-in-charge for each Division as established by Section 15 of the Act and shall comply with the designated Division requirements of this Part. A pharmacy must comply with the provisions of this Part which apply to each of the division designations under which it is authorized to provide pharmaceutical services.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.91 Division I Pharmacies

a) Retail pharmacies which engage in general community pharmacy practice and are open to, or offer pharmacy service to, the general public shall, in addition to any other requirements of the Act and this Part, comply with Section 1330.91. A retail pharmacy which, in addition to offering pharmacy services to the general public, provides pharmacy services to an institution or facility listed in Sections 1330.92(a) need not register as a Division II pharmacy if the sales do not exceed 49% of total sales, but the such pharmacy shall comply with the requirements of Sections 1330.92(b), (c) and (d).

b) Recordkeeping Requirements for Filling Prescriptions

1) Every written and oral prescription filled or refilled shall contain the handwritten name or initials of the person authorized to practice pharmacy under the provisions of the Pharmacy Practice Act who fills or refills the prescription ~~same~~. Additionally, the label affixed to the drug container must indicate the initials of the person(s) authorized to practice pharmacy in the State of Illinois who filled, or refilled the prescription. No prescription may be filled or refilled for a period in excess of one (1) year from the date of the original issuance of the prescription by the prescriber.

2) Whenever a prescription, written or oral, is filled, or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the prescription ~~same~~ shall contain the handwritten names or initials of both the supervising pharmacist and the registered pharmacy technician who fills or refills the prescription ~~same~~. Additionally, the label affixed to the drug container must indicate the ~~same~~ initials of the pharmacy technician and pharmacist.

3) Refilling a Prescription

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A) Each refilling of a prescription shall be entered on the prescription or on another appropriate, uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:

i) The name and dosage form of the drug;

ii) The date of each refilling;

iii) The quantity dispensed;

iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and

v) The total number of refills for the prescription.

B) If the pharmacist merely dates and signs or initials the prescription, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.

4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the such copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order for authorization to dispense the prescription.

5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the face of the original prescription and record the date the copy is issued, to whom issued, and his/her signature on the face of the original prescription. Copies of prescriptions shall be marked "For Information Purposes Only" and require a new prescription from the prescriber ~~authorization to fill~~.

6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1988), and which contain no further amendments or editions, and shall include the capability to:

A) Retrieve the ~~retrieve of~~ original prescription order information for those prescription orders which are currently authorized for refilling;

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- B) ~~Retrieve retrieval~~ of the current prescription orders which shall, ~~at a minimum, minimally~~ include name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist ~~and technician~~ for each refill, and the total number of refills dispensed to date;
- C) ~~Supply~~ documentation of the ~~correctness corrections~~ of refill information entered into a system must be provided by the pharmacist using the system by way of a hard copy printout of each day's refill data which has been verified, dated, and signed by the dispensing pharmacist. This printout must include for each prescription ~~refilled~~ at least the following information:
 - i) ~~¶~~The name and dosage form of the drug;
 - ii) ~~¶~~The date of each refilling;
 - iii) ~~¶~~The quantity dispensed;
 - iv) ~~¶~~The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - v) ~~¶~~The patient's name;
 - vi) ~~¶~~The prescriber's name; and
 - vii) ~~¶~~The prescription number for the prescription.
- D) All refill data shall be maintained by the pharmacy on the premises for five years in accordance with Section 18 of the Act. The hard copy printout required in subsection (C) above shall be maintained for two years. The data for the remaining three years shall be maintained at the pharmacy either by hard copy printout, microfiche or microfilm. If data is stored other than by the hard copy printout, the pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to the Department upon request by the Department.

c) Transfer of Prescription Information

- 1) A prescription may be transferred between pharmacies for the purpose of refill dispensing provided that:

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- A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of such copy and the name of the transferor pharmacist issuing the transferred prescription order; and
- B) The transferee pharmacist, upon receiving the such prescription directly from another pharmacist, records the following:
 - i) ~~¶~~The name, address, and original prescription number of the pharmacy from which the prescription was transferred;
 - ii) ~~¶~~All information constituting a prescription order including the following: name of the drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and
- C) ~~¶~~The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
- 2) A prescription for Schedule III, IV and V drugs may be transferred only from the original pharmacy one time for the purpose of refill dispensing and may not be transferred further.
- 2) 3) Computerized systems must satisfy all information requirements of subsection (c) above, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.
- d) Staffing of the Pharmacy
 - 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) ~~¶~~The schedule during which the practice of pharmacy is carried on in the such pharmacy shall be conspicuously displayed.
 - B) ~~when the pharmacy is closed, the public and any employees not registered under the Act are to be prohibited access to the area;~~

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- f) ~~Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons or medical devices except for: Pharmacists and pharmacies are prohibited from accepting from patients or their agent for reuse, reissue, or resale, any drugs, prescribed medications, chemicals, poisons, or medical devices except for those medical devices which can be properly sanitized prior to reuse, resale or re-rent.~~
 - 1) Medical devices which can be properly sanitized prior to reuse, resale or re-rent; and
 - 2) Medications that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (U.S.P.)/National Formulary or by the United States Pharmacopoeial Convention, Inc.
- g) Pharmacies which compound and dispense enteral/parenteral products shall comply with Section 1330.99 of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.92 Division II Pharmacies

- a) Pharmacies which are not located in the facilities they serve and whose primary service is to provide services to patients or residents of facilities licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act, or "AN ACT in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs" shall, in addition to any other requirements of the Act and this Part, comply with this Section.
- b) Recordkeeping Requirements for Filling Prescriptions or Orders
 - 1) Every written and oral prescription or order dispensed shall be documented with the handwritten names or initials of the pharmacist (and technician if one is used) ~~person~~ authorized to practice pharmacy under the provisions of the Act who dispenses, fills, or processes the prescription or order same. For purposes of the Act, an authorized person is:
 - A) ~~a~~ A pharmacist licensed in the State of Illinois, or
 - B) ~~a~~ A registered pharmacy technician or registered student pharmacist, under the supervision of a pharmacist.

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- 2) Each pharmacy must maintain a recordkeeping system for five (5) years, which contains the information in subsection (3) below. This information shall be readily retrievable and in a format which provides enforcement agents a concise, accurate and comprehensive method of monitoring drug distribution via an audit trail. This system may require two or more documents which, when read together, will provide all the information required by federal (e.g., the regulations of the Drug Enforcement Administration, 21 CFR 1300 et seq. (1988)) and state law (e.g., the Pharmacy Practice Act of 1987 and the Illinois Controlled Substances Act).
- 3) In addition to the above recordkeeping requirements, a uniformly maintained, readily retrievable hard copy record or back-up documentation of each prescription or order dispensed shall be maintained by the pharmacy for five (5) years and shall include:
 - A) ~~n~~ Name of resident;
 - B) ~~d~~ Date of order;
 - C) ~~n~~ Name, strength and dosage form of drug, or description of the medical device ordered;
 - D) ~~q~~ Quantity dispensed (a separate record should be maintained when the quantity billed differs from the quantity dispensed (e.g., unit dose transfer systems));
 - E) ~~d~~ Directions for use;
 - F) ~~q~~ Quantity billed;
 - G) ~~p~~ Prescriber's name;
 - H) ~~p~~ Prescriber's signature and/or DEA number where required for controlled substances; and
 - I) ~~t~~ The drug name and identification code or the manufacturer in case of a generically ordered medication or a generic interchange.
- 4) The label affixed to the drug container must indicate the initials of the pharmacist who approves the dispensing of the medication order. However, if the pharmacy is utilizing a drug distribution system which re-issues the same label, a separate record must be maintained which identifies the pharmacist approving each dispensing of the prescription or medication order.

No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:

A) supervision of all the activities of all employees as they relate to the practice of pharmacy;

B) establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed. In addition to the security requirements set forth in Section 1330.25, the following security provisions shall be utilized:

i) There shall be no public access to the pharmacy; and

ii) All drugs shall be locked and only accessible to a registrant; and

C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.

2) The operations of the pharmacy are the responsibility of the pharmacist-in-charge, and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

3) Within ten (10) days of the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.

4) The departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and

B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

5) The each inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of five (5) years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge

5) No prescription may be filled or refilled for a period in excess of one (1) year from the date of the original issuance of the prescription or order by the prescriber.

6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1988), and which contain no further amendments or editions, and shall include the capability to:

A) Retrieve the retrieval of original medication order information for those medication orders which are currently authorized;

B) Retrieve retrieval of the current history of medication orders which shall, at a minimum, minimally include the name of drug, the date of filling, the quantity dispensed, the name and identification code of manufacturer in the case of a generically written prescription or a generic interchange, for each filling, and the total number of refills when read in conjunction with any off-line hard copy of the said history of medication orders dispensed to date; and

C) Supply documentation of the correctness of filling information entered into a system must be provided by the pharmacist using the system by way of a hardcopy printout of each day's filling data which has been verified, dated and signed by the dispensing pharmacist.

c) In the event the Long Term Care Facility changes pharmacy provider services, their new provider must obtain the orders from the Long Term Care Facility and verify the authenticity and accuracy of the orders with the prescriber.

d) Staffing of the Pharmacy

1) When the pharmacy is closed, the public and any employees not registered under the Act are to be prohibited access to the filling and dispensing area;

2) The pharmacy must provide pharmaceutical services as defined in Section 3 of the Act a minimum of 40 forty hours per week. A pharmacy is considered to be providing pharmaceutical services when a pharmacist is on call and available for consultation.

e) Pharmacist-in-Charge

1) No pharmacy shall be granted a certification of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge.

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pharmacist-in-charge, shall be submitted to the Department, at its principal office, within ten (10) days of the change in the pharmacist-in-charge.

6) Failure on the part of a registrant to provide the information required in subsections (4) and (5) above shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based upon the recommendation of the Board.

7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for information needing further clarification, and/or missing information, the registrant will be required to:

- A) ~~Provide~~ such information as may be necessary; and/or
- B) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies or conflicts in information, explain such relevance or completeness during an oral interview; or
- C) ~~appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section.~~

f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue, or resale, any dispensed drugs, prescribed medications, chemicals, poisons, or medical devices except for:

- 1) ~~those~~ Medical devices which can be properly sanitized prior to reuse, resale or rereuse; ~~and except, however, when~~
- 2) ~~medications that are dispensed and stored under conditions defined and supervised by the pharmacist, and comply with all standards of proper storage for each medication, and are unopened in a sealed, intact, and unaltered containers that meets the standards for light, moisture, and air permeation as defined by the current United States Pharmacopoeia (U.S.P.)/National Formulary, or by the United States Pharmacopoeial Convention, Inc., may be accepted for reuse, reissue, or resale.~~

g) Labeling Requirements

1) Medications For Future Use

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A) Parenteral solutions to which a drug(s) or diluent has been added or which are not in their original manufacturer's packaging, shall contain the following information on the outer label:

- i) ~~n~~ Name, concentration and volume of the base parenteral solution;
- ii) ~~n~~ Name and strength of drug(s) added;
- iii) ~~e~~ Expiration date and date of the admixture. Expiration date, unless otherwise specified in the individual compendia monograph, or beyond use date, shall be not later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal (e.g., the federal Drug Administration Act) or U.S.P. requirements, whichever is earlier; and
- iv) ~~r~~ Reference code to identify source and lot number of drug(s) added.

B) Non-Parenterals repackaged for future use, shall be identified with the following information:

- i) ~~t~~ Trade and/or generic name;
- ii) ~~s~~ Strength (if applicable);
- iii) ~~e~~ Expiration date. Unless otherwise specified in the individual monograph, the expiration date or beyond use date, shall be not later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal or U.S.P. requirements, whichever is earlier; and
- iv) ~~r~~ Reference code to identify source and lot number.

2) Medications prepared for Immediate Use

A) All medications prepared by the pharmacy for immediate dispensing to a specific resident or patient in the facility, shall be dispensed in a container identified with:

- i) ~~n~~ Name of the resident;
- ii) ~~r~~ Resident's room and bed number;
- iii) ~~d~~ Dispensing date;

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- ii) ~~s~~Strength (if applicable);
 - iii) ~~e~~Expiration date; and
 - iv) ~~r~~Reference code to identify source and lot number.
- B) Parenteral solutions to which drugs have been added shall contain on the outer label:
- i) ~~n~~Name, concentration and volume of the base parenteral solution;
 - ii) ~~n~~Name and strength of drug(s) added;
 - iii) ~~e~~Expiration date and time of the admixture; and
 - iv) ~~r~~Reference code to identify source and lot number of drugs added.
- 2) All medication prepared by the pharmacy for immediate dispensing to a specific patient or resident in the institution or facility shall be identified with the following information:
- A) Single dose or multi-dose drugs, except parenteral solutions to which a drug(s) has been added, shall be identified with:
- i) ~~t~~Trade and/or generic name; and
 - ii) ~~s~~Strength (if applicable).
- B) Parenteral solutions to which drugs have been added shall be identified with:
- i) Name, concentration and volume of the base parenteral solution;
 - ii) Name and strength of drug(s) added; and
 - iii) Expiration date and time of the admixture.
- C) All medication dispensed to a specific patient in the institution shall be dispensed in a container identified with the name of the patient and the patient's location. Those institutions or facilities utilizing unit-dose and medication cart system may identify the name of the patient and the patient's location on the outside of the bin of the medication cart, when those carts are filled by the pharmacy.
- 3) All medications dispensed by the pharmacy for immediate dispensing to a discharge patient, emergency room patient and/or employee shall contain the following:

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- i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
 - v) The total number of refills for the prescription.
- 3) 4) Investigational New Drugs, authorized by the United States Food and Drug Administration, shall be dispensed pursuant to a valid prescription order of the principal physician-investigator or his authorized clinician. All investigational drugs shall be stored in and dispensed from the pharmacy and shall be identified with the following information:
- A) ~~n~~Name of drug and strength (if applicable);
 - B) Expiration date;
 - C) Reference code to identify source and lot number;
 - D) ~~A~~ label indicating "For Investigational Use Only"; and
 - E) Name and location of the patient. Those institutions or facilities utilizing unit-dose and medication cart system may identify the name of the patient and the patient's location on the outside of the bin of the medication cart, when those carts are filled by the pharmacy.
- 4) 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the face of the original prescription and record the date the copy is issued, to whom issued, and his signature on the face of the original prescription. Copies of prescriptions shall be marked "For Information Purposes Only" and require prescriber authorization to fill.
- d) Staffing of the Pharmacy
- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:
 - A) ~~s~~Supervision of all the activities of all employees as they relate to the practice of pharmacy;
 - B) ~~e~~Establishment and supervision of the method and manner for storage, dispensing and safekeeping of pharmaceuticals in all areas of the institution or facility, including maintenance of security provisions to be used when the pharmacy is closed. The following security provisions shall be utilized:

- i) The pharmacy shall be staffed at all times by a registered pharmacist during open hours; and
- ii) ~~all drug storage and dispensing areas occupied by the pharmacy shall be locked in the absence of a registered pharmacist; and~~
- iii) There shall be no public access to the pharmacy, except as provided in Section 1330.93 (e)(1).

C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs;

D) The development and implementation of a procedure to be utilized in the event of a drug recall which can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition;

E) Establishment of specifications for the procurement of all drugs which will be dispensed by the pharmacy; and

F) Establishment and supervision of a method of documenting an oral prescription from a licensed physician to a pharmacist and for transmission of that information to the appropriate members of the nursing staff of the institution or facility.

2) The operations of the pharmacy and the maintenance of security provisions are the responsibility of the pharmacist-in-charge whether the owner is a sole proprietor, partnership, association, corporation or any other entity.

3) Within ten (10) days of the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.

4) The departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and

B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

5) The such inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and

6) Failure on the part of a registrant to provide the affidavit required in subsections (4) and (5) above shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.

7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for information needing further clarification, and/or missing information, the registrant will be required to:

- A) Provide such information as may be necessary; and/or
- B) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies of conflicts in information, explain such relevance or completeness during an oral interview; or
- C) ~~appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section~~

8) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue, or resale dispensed ~~any drugs, prescribed medications, chemicals, poisons, or medical devices~~ except for:

A) ~~those medical devices which can be properly sanitized prior to reuse, resale or rerent; and except however, when~~

B) Medications that are dispensed and stored under conditions defined and supervised by the pharmacist, and comply with all ~~standards of proper storage for each medication, and are unopened in a sealed, intact, and unaltered containers that meets the standards for light, moisture, and air permeation as defined by a current United States Pharmacopoeia/National Formulary published by the United States Pharmacopoeial Convention, Inc.; such medication may be accepted for reuse, reissue, or resale.~~

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- e) Medication Dispensing in the Absence of a Pharmacist -- the availability of necessary medications for immediate therapeutic use during those hours when the institutional pharmacy is not open shall be met in the following manner:
 - 1) An after-hour cabinet, which is a locked cabinet or other enclosure located outside of the pharmacy area containing a minimal supply of the most frequently required medication, may be utilized provided that only personnel specifically authorized by the institution in which the pharmacy is located may obtain access and it is sufficiently secure to deny access to unauthorized persons. After-hour cabinets shall only be used in the absence of a pharmacist. When medication is removed from the such cabinet or enclosure, written physician's orders authorizing the removal of the said medication shall be placed in the cabinet or enclosure. A log shall be maintained within the cabinet or enclosure and authorized personnel removing medication shall indicate on the log the signature of the authorized personnel removing the said medication, name of the medication removed, the strength (if applicable), the quantity removed, and the time of removal.
 - 2) Emergency kits containing those drugs which may be required to meet the immediate therapeutic needs of the patient, and which are not available from any other source in sufficient time to prevent risk of harm to patients by delay resulting from obtaining the such drugs from the such other source, may be utilized. Emergency kits shall be supplied and maintained under the supervision of a pharmacist. Drugs shall be removed from emergency kits only by authorized pharmacy personnel, persons authorized to administer medication pursuant to a valid physician's order or a physician licensed to practice medicine in all of its branches in Illinois. Emergency kits shall be sealed in some manner which will indicate when the kit has been opened. A label shall be affixed to the outside of the emergency kit indicating the expiration date of the emergency kit. The expiration date of the emergency kit shall be the earliest expiration date of any drug contained in the kit. After an emergency kit has been used or upon discovery that the seal has been broken or upon the occurrence of the expiration date, the kit shall be returned to the pharmacy to be checked and/or restocked.
 - 3) Whenever any drug is not available from night cabinets or emergency kits, and the such drug is required to treat the immediate needs of a patient, the such drug may be obtained from the pharmacy in sufficient quantity to meet the immediate need by an authorized nurse. When medication is removed from the pharmacy by an authorized nurse, a copy of the physician's order authorizing the removal of said medication shall be conspicuously placed in the

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pharmacy with the container from which the drug was removed so that it will be found by a pharmacist and checked promptly. A form shall be available in the pharmacy upon which shall be recorded the signature of the authorized nurse who removed the medication, the name, strength (if applicable) and quantity of medication removed.

- 4) Drugs may be dispensed from the emergency room only by a practitioner licensed to prescribe and or dispense, and only to patients treated in the institution. This shall occur only during hours in which outpatient institutional pharmacy services are not available. The quantity dispensed should be limited to no more than 24 hour supply sufficient doses to meet the immediate needs of the patient until pharmacy services are available. Drugs dispensed in this manner must meet all labeling requirements pertaining to Division I pharmacies as specified in Section 1330.91 in subsection (c) of this Section. There shall be written policies and procedures, approved by the medical staff, regarding the dispensing of drugs from the emergency room.

f) Pharmacies which compound and dispense enteral/parenteral products shall comply with Section 1330.99 of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.94 Division IV Pharmacies

- a) Pharmacies which provide and/or offer for sale radiopharmaceuticals shall in addition to any other requirements of the Act and this Part comply with Section 1330.94 of this Part.
- b) Prior to issuance of a Division IV pharmacy license:
 - 1) ~~†~~The pharmacy shall provide a copy of their Illinois Radioactive Material License issued by the Illinois Department of Nuclear Safety in accordance with the Radiation Protection Act (Ill. Rev. Stat. 1991 1987, ch. 111 1/2, par. 211 et seq.).
 - 2) ~~†~~The Department shall conduct an on-site inspection of the facility.
- c) The pharmacy shall have:
 - 1) ~~§~~Space commensurate with the scope of services provided, but at least 300 square feet; and
 - 2) ~~†~~Radioactive storage and product decay facility, separate from and exclusive of the "hot" laboratory, compounding, dispensing quality assurance and office areas.

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- A) ~~†~~The standard radiation symbol;
- B) ~~†~~The words, "Caution-Radioactive Material";
- C) ~~†~~The name of the radionuclide;
- D) ~~†~~The name of the chemical form;
- E) ~~†~~The amount of radioactive material contained, in millicuries or microcuries, in the container contents at the time of calibration;
- F) ~~if~~ the container contents are in liquid form, the volume in milliliters;
- G) ~~†~~The requested calibration time for the amount of radioactivity contained;
- H) ~~†~~The prescription number; ~~and~~
- I) ~~†~~The name or initials of the nuclear pharmacist filling the prescription.
- 2) The immediate container shall be labeled with:
- A) ~~†~~The standard radiation symbol;
- B) ~~†~~The words, "Caution-Radioactive Material";
- C) ~~†~~The name and address of the pharmacy;
- D) ~~†~~The prescription number;
- E) ~~†~~Name of radionuclide; ~~and~~
- F) ~~†~~Name of chemical form.
- i) Nuclear Pharmacist Requirements -- A nuclear pharmacist who serves as the pharmacist-in-charge of a Division IV pharmacy and all other pharmacists employed in the ~~such~~ pharmacy shall provide evidence to the Department of the following:
- 1) ~~†~~Licensure as a Pharmacist in the State of Illinois; and
- 2) ~~the pharmacist~~ ~~†~~That he/she is named as an authorized user or works under the supervision of a pharmacist who is named as an authorized user on a commercial nuclear pharmacy license issued by the Illinois Department of Nuclear Safety or in the case where a nuclear pharmacist, who works under a broad medical license at a university or research hospital, has been approved as a user by that institution's radiation safety committee in accordance with conditions of the license issued by the Illinois Department of Nuclear Safety.

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- j) Nothing in this Part shall prohibit the operation of a nuclear medicine laboratory or ~~any such~~ other department which is operated under the direct supervision of a licensed medical practitioner authorized to possess, use and administer radiopharmaceuticals.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.95 Division V Pharmacies

- a) Pharmacies Required to Hold Division V Licenses
- 1) Pharmacies which are located in or provide service to ambulatory care facilities, schools of veterinary medicine or other institutions or facilities. In addition to other requirements of the Act and this Part, these pharmacies shall comply with this Section.
- 2) Pharmacies ~~which who~~ hold Division II licenses and provide pharmacy services to the general public. In addition to other requirements of the Act and Rules, these pharmacies shall comply with Section 1330.92 and this Section.
- 3) Pharmacies ~~which who~~ hold Division III licenses and provide pharmacy services to the general public. In addition to other requirements of the Act and Rules, these pharmacies shall comply with Section 1330.93 and this Section.
- b) Recordkeeping Requirements for Filling Prescriptions
- 1) Every written and oral prescription filled or refilled shall contain the handwritten name or initials of the person authorized to practice pharmacy under the provisions of the Act who fills or refills the ~~prescription same~~. Additionally, the label affixed to the drug container must indicate the initials of the person authorized to practice pharmacy in the State of Illinois who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one (1) year from the date of the original issuance of the prescription by the prescriber.
- 2) Whenever a prescription, written or oral, is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the same shall contain the handwritten names or initials of both the supervising pharmacist and the registered pharmacy technician who fills or refills the same. Additionally, the label affixed to the drug container must indicate the same initials.

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- B) Retrieve ~~retrieve~~ of the current prescription orders which shall, at a minimum, ~~minimally~~ include name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill, and the total number of refills dispensed to date;
 - C) Supply documentation of the correctness of refill information entered into a system must be provided by the pharmacist using the system by way of a hard copy printout of each day's refill data which has been verified, dated, and signed by the dispensing pharmacist. This printout must include for each script refilled at least the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - v) The patient's name;
 - vi) The prescriber's name; and
 - vii) The prescription number for the prescription.
 - D) All refill data shall be maintained by the pharmacy on the premises for ~~five~~ years in accordance with Section 18 of the Act. The hard copy printout required in subsection (C) above shall be maintained for ~~two~~ years. The data for the remaining ~~three~~ years shall be maintained at the pharmacy either by hard copy printout, microfiche or microfilm. If data is stored other than by the hard copy printout, the pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided upon request by the Department.
- c) Transfer of Prescription Information
 - 1) A prescription may be transferred between pharmacies for the purpose of refill dispensing provided that:

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- 3) Refilling a Prescription
 - A) Each refilling of a prescription shall be entered on the prescription or on another uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
 - v) The total number of refills for the prescription.
 - B) If the pharmacist merely dates and signs or initials the prescription, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.
 - 4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the ~~such~~ copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order for authorization to dispense the prescription.
 - 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the face of the original prescription and record the date the copy is issued, to whom issued, and his/her signature on the face of the original prescription. Copies of prescriptions shall be marked "For Information Purposes Only" and require a new prescription from the prescriber authorization to fill.
 - 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1988), and which contain no further amendments or editions, and shall include the capability to:
 - A) Retrieve the ~~retrieve~~ of original prescription order information for those prescription orders which are currently authorized for refilling;

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- A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of ~~the such~~ copy and the name of the transferor pharmacist issuing the transferred prescription order; and
- B) The transferee pharmacist, upon receiving ~~the such~~ prescription directly from another pharmacist, records the following:
- i) ~~¶~~The name, address and original prescription number of the pharmacy from which the prescription was transferred;
 - ii) ~~e~~All information constituting a prescription order including the following: name of drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and
- C) ~~¶~~The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
- 2) A prescription for Schedule III, IV and V drugs may be transferred from original pharmacy one time for the purpose of refill dispensing and may not be transferred further.
- 2) 3) Computerized systems must satisfy all information requirements of subsection (c) above, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.
- d) Staffing of the Pharmacy
- 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) ~~¶~~The schedule during which the practice of pharmacy is carried on in such pharmacy shall be conspicuously displayed;
 - B) ~~w~~When the pharmacy is closed, the public and any employees not registered under the Act are to be prohibited access to the area;

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- C) ~~w~~Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all capital letters: Pharmacist not on duty; state law prohibits filling of prescriptions in the absence of a pharmacist. PHARMACIST NOT ON DUTY: STATE LAW PROHIBITS FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.
- D) No prescription may be dispensed when a pharmacist is not physically present in the establishment and on duty.
- 2) The pharmacy must provide pharmaceutical services, as defined in Section 3 of the Act, to the public a minimum of ~~40 forty~~ hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is on call ~~physically present~~ and available for consultation.
- e) Pharmacist-in-Charge
- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:
 - A) ~~e~~Supervision of all the activities of all employees as they relate to the practice of pharmacy;
 - B) ~~e~~Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed. In addition to the security requirements set forth in Section 1330.75, ¶the following security provisions shall be utilized:
 - i) ~~¶~~There shall be no public access to the pharmacy; ~~and~~
 - ii) ~~e~~All drugs shall be locked and only accessible to a registrant; ~~and~~
 - C) ~~e~~Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.
 - 2) The operations of the pharmacy are the responsibility of the pharmacist-in-charge, and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

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- 4) An incoming toll free number for use by Illinois customers to be answered by a pharmacist with access to patient records. This service shall be available a minimum of 40 hours a week, six days per week during normal business hours. This telephone number plus others available for use shall be printed on each container of drugs dispensed in Illinois;
- 5) The location, names and titles of all principal corporate officers and all pharmacists who are dispensing medical drugs or controlled substances or medical devices to residents of this State. A report containing this information shall be made on an annual basis and within 30 days after any change of office, corporate officer or pharmacist; and
- 6) The required fee pursuant to Section 27(C)(1).
- b) The pharmacy shall comply with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the Department or Board pursuant to this Section. The nonresident pharmacy shall maintain, at all times, a valid unexpired license, permit or registration to conduct the pharmacy in compliance with the laws of the state in which it is a resident.
- c) The pharmacy shall maintain for at least 5 years records of controlled substances, drugs or devices dispensed to patients in Illinois so that the records are readily retrievable upon request. The records shall be made available for inspection by the Department or Board or by Illinois law enforcement authorities.
- d) Drug Product Selection for Illinois citizens shall only occur pursuant to the Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790).
- e) Controlled substances shall be dispensed into Illinois pursuant to the Illinois Controlled Substances Act.
- f) All records of drugs dispensed to Illinois residents shall be maintained in accordance with Section 18 of the Act.
- g) The Department shall have the right to inspect any non-resident pharmacy to insure compliance with this Section. In lieu of such inspection the Department may accept a current inspection from the state of licensure where the pharmacy is located.
- h) When the accuracy, relevance or completeness of any submitted documentation is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the pharmacy designee shall be required to:

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- A) Provide such information as may be necessary; and/or
- B) Have the pharmacist-in-charge appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- i) The Department may refuse to issue or renew, or may discipline a license for any of the violations set forth in Section 30 of the Act.
- j) Drugs should be shipped under proper packaging and in accordance with USP guidelines.
- k) The pharmacist-in-charge will be held responsible for recordkeeping and licensure laws and rules of this State.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 1330.99 Enteral/Parenteral Product Standards

- a) This Section sets forth standards for Divisions I, II, III, IV and V pharmacies whose practice includes the preparation, labeling and distribution of enteral/parenteral products pursuant to prescriptions or drug orders, as defined in the Act. These activities shall include, but not be limited to:
- 1) Preparation of enteral therapy, naso/gastric feedings;
 - 2) Sterile preparation of parenteral therapy, parenteral nutrition; and
 - 3) Sterile preparations of cytotoxic or antineoplastic agents.
- b) Definitions
- Biological Safety Cabinet - containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel and environment, according to National Sanitation Foundation (NSF) Standard 49.
- Class 100 Environment - an atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air, according to Federal Standard 209B.
- Cytotoxic - a pharmaceutical that has the capability of killing living cells.
- Enteral - within or by way of the intestine.

Parenteral - sterile preparations of drugs for injection through one or more layers of the skin.

- c) A policy and procedure manual for enteral/parenteral compounding shall be prepared and maintained by the pharmacy and shall be reviewed and revised annually. The manual shall include policies and procedures for all activities and functions of the pharmacy such as cytotoxic handling, storage and disposal; disposal of supplies, medications and drugs; and drug dispensing, storage and labeling.
- d) Physical Requirements

- 1) The pharmacy shall have a designated area for preparing compounded, sterile parenteral products. The area shall be designed to avoid outside traffic and airflow disturbances from activity within the facility. It shall have cleanable work surfaces, walls and floors. It shall be of sufficient size to accommodate a laminar airflow hood and provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation and security. It shall be ventilated in a manner not interfering with laminar airflow hood conditions.
- 2) The licensed pharmacy preparing sterile parenteral products shall have the following:

- A) Environmental control devices capable of maintaining at least Class 100 standard of practice for sterility conditions, OSHA standard or ASHP in the workspace where sterile objects are exposed and sterile activities are performed. Examples of appropriate devices include laminar airflow hoods and zonal laminar flow of HEPA - filtered air.
- 1) Laminar airflow equipment shall be certified annually in accordance with Federal Standard 2098 (for horizontal laminar airflow equipment) or National Sanitation Foundation Standard 49 (for vertical laminar airflow equipment).
- ii) In the event the laminar equipment is moved from its site of certification, recertification shall occur.
- B) Sink with hot and cold running water, for the purpose of hand scrubs prior to compounding, which is convenient to the compounding area, exclusive of bathroom facilities.
- C) Disposal containers for used needles, syringes, etc., and if applicable, cytotoxic waste from the preparation of chemotherapy agents and infectious wastes;

D) Biohazard cabinetry for environmental control when cytotoxic drug products are prepared.

- E) Refrigerator/Freezer with a thermometer;
 - F) Temperature controlled delivery container; and
 - G) Infusion devices, if appropriate.
- 3) Supplies

- A) Disposable needles, syringes and other supplies needed for aseptic admixture;
- B) Disinfectant cleaning solutions;
- C) Handwashing agent with bactericidal action;
- D) Disposable, lint free towels or wipes;
- E) Filters and filtration equipment;
- F) Oncology drug spill kit; and
- G) Disposable masks, caps, gowns and sterile disposable gloves.

4) The following current resource materials and texts shall be maintained in the pharmacy:

- A) Handbook on Injectable Drugs/American Society of Hospital Pharmacists (ASHP);
- B) King's Guide to Parenteral Admixtures;
- C) United States Pharmacopoeia/National Formulary (USP/NF);
- D) American Hospital Formulary Service;
- E) Procedures for Handling Cytotoxic Drugs/American Society of Hospital Pharmacists (ASHP);
- F) Copies of state and federal laws.
- G) OSHA Work Practice Guidelines for Persons Dealing with Cytotoxic/Hazardous Drugs.
- H) One of the following compounding references:
 - i) United States Pharmacopoeia/National Formulary (USP/NF);
 - ii) U.S. Dispensatory; or
 - iii) Remington's Pharmaceutical Sciences
- I) One compatibility reference such as:

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- i) Trissel's Handbook on Injectable Drugs; or
- ii) King's Guide to Parenteral Admixtures;

D) A file on stability data given to finished products, such data obtained either from published material or by scientific method.

e) Staffing. A pharmacist shall be accessible at all times at each licensed facility to respond to patients' and health professionals' questions and needs. A 24-hour telephone number will be included on all labeling of compounded medication and medication infusion devices if off site.

f) Drug Distribution and Control

1) Patient Profile or Medication Record System. A pharmacy generated patient profile or medication record system must be separate from the prescription file. The patient profile or medication record system shall be maintained under the control of the pharmacist-in-charge for a period of 5 years after the last dispensing activity. The patient profile or medication record system shall contain, at a minimum:

- A) Patient's full name;
- B) Date of Birth or Age;
- C) Weight;
- D) Sex;
- E) Sterile products dispensed;
- F) Date dispensed;
- G) Drug content and quantity;
- H) Patient directions;
- I) Identifying number;
- J) Identification of dispensing pharmacist and preparing technician if applicable;
- K) Other drugs patient is receiving;
- L) Known drug sensitivities and allergies to drugs and foods;
- M) Primary diagnosis, chronic conditions; and
- N) Lot numbers of components or individual medicine if not traceable to a specific patient from production records.

2) Labeling. Each enteral/parenteral product dispensed to patients shall be labeled with the following information with a permanent label:

- A) Name, address and telephone number of the licensed pharmacy, if not within facility;
- B) Date and identifying number;
- C) Patient's full name and room number if applicable;
- D) Name of each drug, strength and amount;
- E) Directions for use, including infusion rate;

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- F) Prescriber's full last name if used off premises;
- G) Required controlled substances transfer warnings, where applicable;
- H) Date of compounding;
- I) Expiration date and time;
- J) Identity of pharmacist compounding and dispensing, or other authorized individual;
- K) Storage requirements;
- L) Auxiliary labels, where applicable; and
- M) Cytotoxic drug auxiliary labels, where applicable.

3) The pharmacist-in-charge shall maintain records which are readily retrievable and in a format which provides enforcement agents a concise, accurate and comprehensive method of monitoring distribution via an audit trail. The records shall be kept for 5 years and shall include at least the following information:

- A) Patient profile;
- B) Medication Record System;
- C) Purchase records;
- D) Policy and procedure manual;
- E) Training manuals;
- F) Policies and procedures for cytotoxic waste, if applicable; and
- G) Lot numbers of the components used in compounding sterile prescriptions/orders traceable to a specific patient, if not included on patient profile.

g) Delivery Service. The pharmacist-in-charge shall assure the environmental control of all products shipped. Therefore, any compounded, sterile pharmaceutical must be shipped or delivered to a patient in temperature controlled (as defined by USP Standards) delivery containers.

h) Disposal of Infectious Wastes. The pharmacist-in-charge is responsible for assuring that there is a system for the disposal of infectious waste.

i) Cytotoxic Drugs. The following additional requirements are necessary for those licensed pharmacies that prepare cytotoxic drugs to insure the protection of the personnel involved.

- 1) All cytotoxic drugs should be compounded in a vertical flow, Class II, biological safety cabinet. Other products should not be compounded in this cabinet.
- 2) Protective apparel shall be worn by personnel compounding cytotoxic drugs. This shall include disposable masks, gloves and gowns with tight cuffs.

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- ~~B) contains all equipment required within the designated pharmacy division; and~~
- ~~C) is clean, sanitary, secure and equipped as required by Sections 7a and 8a of the Act.~~

- ~~b) If the application is complete, the license shall be issued within 60 days.~~
- ~~c) If the application is incomplete, the applicant shall be notified within 15 days.~~

d) ~~b)~~ For a change of name of pharmacist in charge only, the owner shall be required to file an application on forms supplied by the Department, together with the required fee and submit ~~the his~~ present license. The Department shall evaluate the application and, if satisfactory, issue a new license.

e) ~~c)~~ Within thirty (30) days of issuance of a pharmacy license, the pharmacy for which the licensure was requested shall be open to the public for pharmaceutical services.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.110 Granting Variances

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

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.120 Renewals

a) Every ~~license certificate of registration~~ issued under the Act except the certificate of registration as a pharmacy technician shall expire on March 31 of each even numbered year. Every certificate of registration as a

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pharmacy technician issued under the Act shall expire annually on March 31. The holder of a license or certificate of registration may renew the license or such certificate during the 60 days preceding the expiration date ~~thereof~~ by paying the required fee.

- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or operating on a license or certificate which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 30 of the Act.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.130 Restoration

- a) A registrant seeking restoration of a ~~his~~ certificate of registration which has expired for less than five (5) years shall have ~~the his~~ license restored upon payment of all lapsed renewal fees required by Section 27 of the Act and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part.
- b) A registrant seeking restoration of a ~~his~~ certificate of registration which has been placed on inactive status for less than five (5) years shall have ~~the his~~ license restored upon payment of the current renewal fee and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part.
- c) A registrant seeking restoration of a ~~his~~ certificate of registration after it has expired or been placed on inactive status for more than five (5) years shall file an application, on forms supplied by the Department, together with the fee required by Section 27 of the Act and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part. The registrant shall also submit either:
 - 1) ~~Certification Sworn evidence~~ of active practice in another jurisdiction. ~~Such e~~Evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of ~~said~~ active practice;
 - 2) An affidavit attesting to military service as specified in Section 12 of the Act. ~~The Such~~ applicant restoring a ~~his~~ license shall be excused from the payment of any lapsed fee or any restoration fees.

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3) A registrant who is unable to submit proof of satisfaction of either subsection (1) or (2), above, shall submit proof of completion of:

- A) Fifteen (15) clock hours of refresher courses or continuing education for each year the license was expired; or
- B) up to 400 hours of clinical practice under the supervision of a pharmacist;
- C) The course work or clinical training described in subsections (A) and (B), above, shall have the prior approval of the Board.

When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, information needing further clarification and/or missing information, the registrant will be requested to:

- d) 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies in information, explain such relevance or sufficiency during an oral interview; or
- 3) Appear for an oral interview before the Board designed to determine the individual's current competency to practice under the Act.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1330.140 Continuing Education

a) Continuing Education Requirements

1) Each person who applies for renewal of a his license as a pharmacist shall complete 30 hours of continuing education (CE) during the 2 year calendar years preceding the expiration date of the license in accordance with Section 12 of the Act. However, for licenses which expire March 31, 1988, renewal applicants will be required to complete only 22 hours of CE.

2) A renewal applicant is not required to comply with CE requirements for the first renewal after original licensure.

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b) Approved Continuing Education

1) CE credit shall be based upon the completion of courses offered by providers approved by the American Council on Pharmaceutical Education. These courses may be completed outside the State of Illinois.

2) Undergraduate coursework taken after completion of a first professional degree in pharmacy through a recognized college or approved school of pharmacy (in accordance with Section 1330.20 of this Part) may be used to fulfill the CE requirement if:

- A) Evidence of course completion through an official transcript and other documentation (e.g., certificate of completion or degree) of the university or college is submitted which indicates the number of course content hours completed; and
- B) These courses are completed for college credit.

C) CE credit will be earned for each undergraduate course completed.

c) Certification of CE Requirements

1) Each renewal applicant shall certify on the his renewal application full compliance with CE requirements set forth in subsection (a), above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of the such compliance (e.g., certificate of attendance or completion). Such evidence shall be required in the context of the Department's random audit in accordance with Section 12 of the Act.

d) The same CE hours cannot be used to fulfill the CE requirement for more than one renewal period.

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a his license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these such facts. A such request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from the such affidavit or any other evidence

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submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) Good cause shall be defined as an inability to fulfill the CE requirements during the applicable period because of:
 - A) Full-time service in the armed forces of the United States of America during such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) ~~a~~An incapacitating illness, documented by a currently licensed physician; or
 - ii) ~~a~~A physical inability to travel to the sites of approved programs, as documented by a currently licensed physician; or
 - iii) ~~a~~Any other similar extenuating circumstances (e.g., illness of family member).
- 3) An interview before the Board with respect to a request for waiver shall be granted only if ~~the~~ such interview is requested at the time the request for ~~the~~ such waiver is filed with the Department. The renewal applicant requesting a ~~such~~ waiver shall be given at least 20 days written notice of the date, time and place of ~~the~~ such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (d)(1) of this Section shall be deemed to be in good standing until the final Department's decision on the application has been made.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: DEVELOPMENTAL DISABILITIES SERVICES
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Numbers:

144.350	New Section
144.375	New Section
144.400	New Section
144.405	New Section
144.425	New Section
144.450	New Section
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: These new rules are being proposed to introduce the Total Life Integration (TLI) Program. The TLI Program establishes a monetary incentive whereby residential facilities for persons with developmental disabilities (ICFs/MR) and developmental training (DT) agencies can earn bonus payments for demonstrable excellence in the delivery of active treatment services. The Program is mandatory and each ICF/MR facility and DT program will be rated according to the Program standards.

The TLI Program standards are designed to coordinate with the active treatment standards employed for licensure, certification and Inspection of Care (IOC) surveys. The standards are targeted at those aspects of a facility's service system or a DT program that can have the greatest impact on a client's quality of life through the delivery of superior active treatment services.

Providers of ICF/MR services are responsible for ensuring the provision of a continuous program of active treatment services for each client. According to federal regulations, this responsibility extends to the DT environment by assuring that outside sources meet the service requirements. Therefore, ICFs/MR and DT programs provide continuous active treatment programs for clients through a mutual and coordinated professional effort. The TLI Program standards represent the interrelated steps in this active treatment process. Bonus payments for achievement of the TLI standards are based upon specific percentages of the program rates in a facility or DT program. These percentages are greater when both the

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Section

- 144.TABLE C IPP Outcomes
 144.TABLE D Guidelines for Determining Levels of Functioning
 144.TABLE E Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. _____, effective March 20, 1992; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.350 Participation in the Total Life Integration Program (TLI)

- a) Residential facilities and developmental training (DT) programs for clients with developmental disabilities must provide a continuous active treatment program for each client (Section 144.25 and 42 CFR 483.440). The Total Life Integration Program (TLI) establishes a financial incentive whereby facilities and DT agencies can earn bonus payments for demonstrable excellence in the delivery of active treatment services.
- b) The categories of facilities or distinct parts of facilities which are eligible for bonus payments under TLI are intermediate care facilities for clients with developmental disabilities (ICF/MR) including facilities of sixteen (16) beds or less (ICF/MR-16), specialized living centers (ICF/MR-SLC) and facilities with State licensure for skilled care for persons under 22 years of age (ICF/MR-SNF/PED). The terms "facility" and "facilities" which are used in Sections 144.350 through 144.425 are understood to refer to residential facilities certified as ICF/MR, but exclude State operated ICF/MR facilities.

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Section 144.350 Participation in the Total Life Integration Program (TLI) (Cont'd)

- c) Every facility which meets the following eligibility qualifications can earn bonus payments in the TLI Program, and will be rated according to the standards and criteria of the TLI Program Levels which are specified for any particular year according to Section 144.405.

1) Certification

- A) A facility shall be currently certified (ICF/MR) for participation in the Medical Assistance Program and have a provider agreement as required in 89 Ill. Adm. Code 140.11. Any action against a facility to terminate or not renew a provider agreement will result in the withholding of TLI payments by the Department, effective with the date the facility is notified of the administrative action. Payments will be withheld throughout the administrative appeal period. If the facility prevails at the conclusion of the administrative appeal, and the facility is otherwise eligible for TLI payments, withheld TLI payments will be released to the facility. If the facility does not prevail at the conclusion of the administrative appeal, and the facility's provider agreement is terminated or the facility is terminated from the Medical Assistance Program, TLI payments will not be released. The facility will be considered ineligible for TLI as of the date the facility was notified of the administrative action. If the federal government initiates a termination action against the facility, all TLI payments will be withheld beginning with the date the action was initiated and will continue throughout the federal administrative appeal period. Withheld payments will be released only if the facility prevails at the conclusion of the administrative appeal. If a facility is terminated from the Medical Assistance Program, the facility will be ineligible for TLI payments as specified above, and will continue to be ineligible until the facility

Section 144.350 Participation in the Total Life Integration Program (TLI) (Cont'd)

TLI payments by the Department, effective with the date the facility is notified of the licensure action, and will render the facility ineligible for TLI for a period of 6 months. If the facility administratively appeals the conditional license and prevails in such appeal, and the facility is otherwise eligible for TLI payments, the facility will be eligible for TLI payments as if no conditional license had been issued. If the facility does not administratively appeal the issuance of a conditional license by IDPH, and the conditional license is overturned, the facility will be eligible for TLI payments as if no conditional license had been issued.

In the event of a change of licensee, TLI payments will be reinstated effective with the date of licensure, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified licensure action charged to the previous licensee as specified by IDPH.

D)

A facility shall be free of Type A violations as defined in 77 Ill. Adm. Code 300.330 and Section 1-129 of the Nursing Home Care Act.

A)

3)

Violations

B)

A Type A violation will result in the withholding of TLI payments by the Department, effective with the survey date of the violation and will render the facility ineligible for TLI for a period of 6 months. If the facility administratively appeals the Type A violation and the violation is reduced or overturned as the result of the administrative appeal, and the facility is otherwise eligible for TLI payments, the facility will be eligible for TLI payments as if the violation had not occurred.

C)

A conditional license issued to a facility by IDPH for any violation except a Type A violation will result in the withholding of

Any licensure action against a facility by IDPH to revoke, suspend or not renew the license, will result in the withholding of TLI payments by the Department, effective with the date the facility is notified of the licensure action. If the facility administratively appeals IDPH's licensure action, payments will be withheld from the date of notification of licensure action and will continue throughout the licensure action plus the remainder of the TLI payment period during which the licensure action ends. If the facility prevails in such an appeal, and the facility is otherwise eligible for TLI payments, the facility will be eligible for TLI payments as if no licensure action had occurred. If the facility does not administratively appeal IDPH's licensure action, and the action is overturned, the facility will be eligible for TLI payments as if no licensure action had occurred.

B)

A facility shall be currently licensed (ICF/DD, ICF/D-16, or SNE/PED) as required in administrative rules of the Illinois Department of Public Health (IDPH) (77 Ill. Adm. Code, Sections 350.120 through 350.160 or 390.120 through 390.190).

2) Licensure

reenters, and remains in, the Medical Assistance Program for one full year.

If a facility voluntarily withdraws from the Medical Assistance Program, the facility will no longer be eligible for participation in the TLI Program and TLI payments will be discontinued as of the date of receipt of the notification to the Department of the voluntary withdrawal.

B)

Section 144.350 Participation in the Total Life Integration Program (TLI) (Cont'd)

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Section 144.350 Participation in the Total Life Integration Program (TLI) (Cont'd)

- C) In the event of a change of licensee, TLI payments will be reinstated effective with the date of licensure, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified Type A violation(s) charged to the previous licensee as specified by IDPH.
- D) A facility may request reconsideration of the withholding of TLI payments due to the issuance of the Type A violation if it is the result of an isolated incident involving only one client and did not result in his/her death, and the facility has not been issued any violations by IDPH during the three years prior to the current Type A violation.

- i) To request a reconsideration regarding the withholding of TLI payments, the facility must submit a written request to the Deputy Director of Medical Operations within ten working days of the date that the notice of violation was served on the facility. The request must indicate that the criteria in subsection (D) above have been met, and must include a copy of the imposed plan of correction issued by IDPH.
- ii) The Department will send written notification of the determination to the facility within forty-five days of receipt of the facility's request.

d) Every DT program which meets the following eligibility qualifications can earn bonus payments in the TLI Program, and will be rated according to the standards and criteria of the TLI Program Levels which are specified for any particular year according to Section 144.405.

1) Certification

A DT program shall be certified by the Department of Mental Health and Developmental Disabilities

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Section 144.350 Participation in the Total Life Integration Program (TLI) (Cont'd)

(DMHDD) in accordance with standards set by that Department (89 Ill. Adm. Code 140.650).

2) Contractual Agreement

The DT program shall enter into a contractual agreement with each ICF/MR having residents in the DT program. DT programs providing services to clients residing in ICF/MR facilities are eligible for payments under the TLI Program when those facilities are in compliance with the participation qualifications of this Section.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 144.375 Rating System for the Total Life Integration Program (TLI)

- a) TLI is an involuntary program and each facility (ICF/MR) and developmental training (DT) program will be rated according to the TLI Program standards.
- b) The TLI Program standards are designed to coordinate with the active treatment standards employed for licensure, certification and Inspection of Care (IOC) surveys. The standards are targeted at those aspects of a facility's service system or a DT program that can have the greatest impact on a client's quality of life through the delivery of superior active treatment services as set forth in the IOC rules, Sections 144.5 through 144.250.
- c) The TLI Program standards are interrelated steps in the active treatment process. The TLI rating is directly related to major outcomes and achievements which are identifiable results of the active treatment process. A TLI rating is based on the assumption that positive outcomes are evidence that the key components of an active treatment program are in place.
- d) Facilities and DT programs will be rated according to a "top-down" approach. Observations by Department staff to determine a TLI rating Level, will begin with Level 5. The highest Level which is achieved will secure all lesser Levels for the facility or DT

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Section 144.405 Reimbursement for the Total Life Integration Program (TLI) (Cont'd)

total TLI payment is the accumulative amount of payment related to the Levels achieved.

- c) Bonus payment amounts for reimbursable TLI Program Levels will be set for each fiscal year. Payments under TLI will be made annually in the quarter after the facility's anniversary quarter Inspection of Care (IOC). The TLI payment is a per diem bonus paid for 12 months to facilities and DT programs that satisfy the requirements for participation in TLI and meet the criteria of the Program Level(s) specified for any particular year.
- d) Bonus payments for DT programs are specific to the facility in which the DT participants reside. Therefore, initial assessment and annual reassessment for TLI payments are directly related to the TLI assessment period of each facility contracting for services from a DT program. TLI payments to a DT program are paid to the facility in which the DT participants reside. The TLI payment must be passed through to the DT program in accordance with 89 Ill. Adm. Code 140.646.
- e) Bonus payments will be available for Level 3 or higher during FY'93.
- f) The TLI Levels which are reimbursable for FY'93 and the per diem bonus amounts based on percentages of the program rates are:

	ICF/MR Percentages		DT Percentages	
	if facility only	if facility and DT	if DT only	if DT and facility
Level 3	3.3%	5.5%	2.16%	3.6%
Level 4	1.0%	1.7%	.67%	1.1%
Level 5	1.3%	2.3%	.86%	1.4%

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI)

a) Overview

The Total Life Integration Program focuses on interrelated elements of a facility's or a developmental training (DT) program's active treatment delivery system. The TLI Program recognizes demonstrable excellence in the services which a facility or a DT program must provide in accordance with federal and State regulations. The standards of the TLI Program are:

- 1) Service Plan Coordination (Level 1);
- 2) Formalized Integration (Level 2);
- 3) Natural Integration (Level 3);
- 4) Outcome Achievements (Level 4); and
- 5) Total Life Involvement (Level 5).

b) Service Plan Coordination, Level 1

Service plan coordination begins with cooperative planning for each client which results in a single Individualized Program Plan (IPP). Facilities for clients with developmental disabilities (ICFs/MR) and DT programs, through a mutual and coordinated professional effort, must provide a continuous active treatment program for each client. Such a program is delivered through the development and implementation of a single IPP consisting of interventions and services which are designed to meet the client's needs with continuity across all of the environments in which he/she lives. The single IPP for each client assures client protections relative to clients' rights and medical needs. A facility/DT program must safeguard the rights of clients and promote the exercise of such rights by the clients, as specified in Section 144.225, and must assure that medical needs of clients are fully met, in accordance with Sections 144.150 and 144.205. Each component of the IPP, including DT services conducted off-site or in the residential facility, must be coordinated with, correspond to and/or compliment all other components. To assure such coordination, representatives of the

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

clients DT program are participants of the interdisciplinary team (IDT) which prepares the client's IFP. Formal programming and informal training interventions are consistently implemented and integrated into the client's daily life in all of his/her living environments. This integration of services, or Service Plan Coordination, is required by Federal and State regulations (42 CFR 483.440 (a) and Sections 144.25 and 144.105).

1) Service Plan Coordination activities include, but are not limited to:

- A) The IDT formulates a single IFP for the client which comprehensively assesses and addresses his/her needs and describes services and interventions which will be consistently provided in all of the client's living environments. The IDT includes appropriate staff of the residential facility and the DT program. The IDT also includes the client, unless his/her inability or unwillingness to participate is documented.
- B) The single IFP provides for interventions which can be utilized outside of the residential environment when problems arise. Difficulties can then be addressed in any environment, and clients are not sent "home" (to the facility), for example, because of behavior problems.
- C) A statement is developed in the IFP regarding the determination of the client's level of functioning. This statement shall be approved and signed by an appropriate representative of the facility and the DT program.
- D) Formal programming and informal training interventions are a direct outcome of the IFP. All integrative goals are implemented consistently throughout the day, in all service and living environments.

Section 144.425

NOTICE OF PROPOSED AMENDMENTS

Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

E) The facility and the DT program create an individualized "menu of services" which addresses specific programming needs of the client, including needs which may be more effectively met outside of the traditional DT settings (i.e., special classes at a university or a vocational school).

F) The facility and the DT program create an individualized "menu of activities" which addresses the programming needs of the client and allows for meaningful activities which lead to greater self-sufficiency/independence. Such activities have developmental goals which are pursued in the residential and DT program environments.

G) Appropriate representatives of the facility and the DT program meet as necessary to discuss and promote implementation consistency and the progress of each client. Conclusions and programmatic changes resulting from these meetings are disseminated to all staff involved in the client's care, and entered into the client's record.

H) The facility and the DT program develop special integration activities which enhance the coordination of their services (i.e., temporary staff exchanges, interagency visits, joint training sessions). Some successes of integration activities are witnessed when well groomed clients arrive at the DT program and when clients are not sent "home" from the DT program because of behavior problems.

I) The facility and the DT program have written policies and procedures which promote integration of their services. These policies and procedures must include, but are not limited to, the steps outlined in this subsection ((1)(A)-(1)).

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

- 2) Service plan coordination activities of facilities with State licensure for skilled care for persons under 22 years of age (ICF/MR-SNF/PED) may vary somewhat from the integration activities of facilities for adults, because of involvement with local public school practices and Public Law 121. Facilities with a SNF/PED license must develop a plan which provides for the appropriate integration of activities, insofar as possible, with the local public school program in which each client participates. Integration activities which are unique to such facilities include:
- A) The IDT secures and reviews a copy of each client's Individual Education Plan (IEP).
 - B) The IDT determines if the IEP can be integrated into the client's IPP, or demonstrates why the IEP is not applicable to the residential setting.
 - C) The Qualified Mental Retardation Professional (QMRP) attends school staffings, as appropriate.
 - D) Public school staff are invited to participate in the IDT and facility staff meetings.
 - E) The client's service needs and/or training needs are communicated to the public school.
- 3) Department surveyors will review integrative goals and observe integration activities in the facility and in each DT program with which the facility contracts for DT services.
- 4) Achievement of Service Plan Coordination will be determined according to the following evaluation criteria:
- A) For an ICF/MR with an ICF/DD license. For ninety percent (90%) of facility residents or DT clients surveyed during the most recent IOC in FY'92, each resident/client

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

- has a single IPP which was formulated with input from facility staff and staff of the DT program. In the IPP, the IDT identifies and assigns prioritized goals to be implemented in either or both environments. The IEP of any client is integrated into the IPP whenever possible.
- B) For an ICF/MR with a SNF/PED license. For ninety percent (90%) of facility residents or DT clients surveyed during the most recent IOC in FY'92, each resident/client has a single IPP into which the IEP objectives are integrated where appropriate. For each resident who is receiving educational services from a public school, there is documentable evidence of regular facility communication with the school, such as the integration activities outlined in subsection (2)(A)-(E).
- c) Formalized Integration, Level 2
- Every person possess the potential for growth and development. Although the developmental progression of each person is subject to his/her unique characteristics, which may include the presence of mental and/or physical disabilities, developmental sequences can be identified and the course of developmental progress can be planned. Goals can be set for the further development of each person having developmental disabilities and for the assessment of developmental progress, regardless of the extent of his/her disabilities or level of functioning. Goal setting is necessary because even though the potential for development exists, development often does not take place unless the environment provides suitable stimulation and opportunity for it to occur. Therefore, a comprehensive IPP with measurable goals is the tool by which a client's active treatment program is managed and his/her progress is assessed and documented.
- 1) The IPP is a key component in a successful active treatment program. The IPP is a written plan of care which sets forth measurable goals and

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Section 144.425 Standards and Criteria of the Total Life
Integration Program (TLI) (Cont'd)

d) Natural Integration, Level 3

Active treatment occurs during structured and unstructured times, in all of the client's daily environments, whenever and wherever opportunities for learning needed skills present themselves. This natural integration means that the client is not made to merely "fit into" existing programs, or to only attend periodic formal training programs. With natural integration, the demands of daily life provide definition or a framework for the client's program; the program does not structure or define the client's daily life. Natural integration is achieved by balancing the demands of formal goals and objectives with skill acquisition which is addressed in informal, everyday places, situations and interactions. When formalized objectives are implemented in natural routines, every aspect of residential life (home life) and the DT experience becomes a potential learning opportunity. When a facility or DT program goes beyond formal programming, natural integration of individualized developmental services is in evidence throughout the client's day. Natural integration of the client's IPP is required by federal and State regulations (42 CFR 483.440(a) and Sections 144.25(b) and 144.105(b)(2)).

1) Indicators of nonstructured, natural integration of active treatment are:

- A) continual implementation of program plans during nonstructured and recreational/leisure times;
- B) functional skills which were previously acquired are identified in the IPP under "strengths" and are maintained through natural activities and interactions between staff and the client in all environments;
- C) staff members recognize and take advantage of opportunities during informal time periods to teach skills or maintain acquired skills other than those formalized in the client's IPP;

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Section 144.425 Standards and Criteria of the Total Life
Integration Program (TLI) (Cont'd)

- D) interactions between the staff and the client are positive and constructive;
- E) "dead time" is minimized;
- F) a natural routine is in evidence, which is lacking in tight scheduling and regimentation and which is consistent with a home-like environment;
- G) interventions are delivered in a nonintrusive manner; and
- H) active participation is evidenced by accommodations which occur so clients with sever disabilities can exercise control over their activities.

2) Department surveyors will conduct observations at times when structured, formalized activities are not scheduled, including recreational and leisure times. Cross-sectional and time sampling observation methods will be used.

3) Achievement of Natural Integration will be determined according to the following evaluation criteria: At least 80% of the facility's residents or DT clients observed during informal interactions with facility and DT staff and other clients, during the most recent IOC, are involved in/receiving consistent, integrated, and continuous active treatment services.

e) Outcome Achievements, Level 4

Assessing service outcomes is an essential part of providing active treatment. Outcome is the adaptive growth which a client has achieved as a result of the successful accomplishment of the IPP goals. Outcome measures how well the program, through competent and aggressive active treatment, has moved the client closer to the optimum physical, intellectual, social and vocational functioning of which he/she is capable. Outcome achievements refer not only to current progress toward the IPP goals, but also to long term behavioral changes which are visible through

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

- 2) Positive outcome achievements with examples of behaviors and measurement/documentation criteria are found in Section 144.425 TABLE C.
- 3) Program evaluation is an integral part of outcome achievements. Program evaluation measures and documents outcome achievements for each client, relative to his/her I/P goals and progress toward overall self-sufficiency. Program evaluation conducted by a DT program should focus on those areas which are specific to the DT environment.
- 4) Department surveys will review outcome achievements for individual clients. The review will include the facility's or DT program's measurement and documentation of outcome achievements for each client. Areas of review may include, but are not limited to:
 - A) community integration;
 - B) planning for life plan achievement, including discharge planning and actual discharges of clients to new, less restrictive environments;
 - C) enhancement of independent living skills;
 - D) empowerment (of the client);
 - E) reduction of maladaptive behaviors; and
 - F) attainment of program goals.

- 5) Achievement of Outcome Achievements will be determined according to the following evaluation criteria:
 - A) The facility or DT program will project expected goals (a minimum and a maximum percentage) for each of the areas identified in the preceding subsection ((e)-(A)-(F)).
 - B) If the projected goal levels fall outside of the 50% to 80% range, the facility or DT

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

the client's increasing levels of self-sufficiency and overall normalization. Outcome is also a key element of the IDT's assessment leading to the establishment of new goals for the next set of planned interventions. The IDT analyzes outcomes to arrive at valid judgments regarding the client's progress, the value of the current treatment and appropriate future planning. Outcome achievements must be measurable to assist the IDT in assessing each client's progress and the need for continuing or revising any part of the I/P. The State requirements for program outcome are found in Section 144.105(e).

1) Interventions are designed to generate behavior change, rather than behavior control. A controlled behavior requires that an artificial intervention remain in place to maintain the preferred behavior. An effective behavior modification treatment is one in which the client maintains the preferred behavior when the intervention period has concluded and the training interventions are no longer applied. Following effective behavior modification, the client demonstrates the following outcomes when he/she is in a typical environment and involved in every day activities:

- A) The consequences that occur in response to the behavior are natural in that they are the types of things which happen to anyone in such situations when they display behaviors which are similar to or the same as the client's behavior (appropriate or inappropriate);
- B) When the kinds of circumstances occur that once precipitated inappropriate behavior, the client uses an alternative strategy which is more suitable and positive in dealing with the situation; and
- C) Behavioral improvements continue over time and the client is able to adapt the learned behaviors to other situations in which no representative of the training program is present.

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

program shall indicate the reasons why the projected levels are appropriate.

- C) The facility or DT program shall assess and document the actual achievement levels (progress made).
 - D) Department staff will also assess and document the actual achievement levels, through utilization of the facility's or DT program's assessment system.
 - E) Program Outcome is achieved when the facility's or DT program's actual achievement level is within the projected minimum and maximum goal levels.
- 6) When the actual levels of achievement, as measured by either the facility or DT program, or Department staff, fall outside of the projected minimum and maximum goals, the Department may determine that the standards of Outcome Achievements have not been met. When actual achievement is not within the projected goal range, the facility or DT program should reassess its developmental programming and/or its system of program evaluation.
- A) The facility's or DT program's system of program evaluation may not be accurately measuring progress.
 - B) Actual achievement which is less than the projected minimum goal may indicate that programming objectives are too great or too general to allow observable indications of progress.
 - C) Actual achievement which is greater than the projected maximum goal may indicate that programming objectives are too limited or have already been obtained by the client.

f) Total Life Involvement, Level 5.

This Level offers three service options for facility

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Section 144.425 Standards and Criteria of the Total Life Integration Program (TLI) (Cont'd)

or DT program participation. A facility or DT program may choose to implement any one of these service options to meet the standards of Total Life Involvement. A service option should be chosen according to the life plans of the clients who reside in a facility or participate in a DT program. The consideration of life plans of clients includes the acknowledgement of their particular needs and unique characteristics. Department surveyors will review the facility's program evaluation in conjunction with observations to determine if the standards of any service option are met. The three service options are:

- 1) Community Integration - A facility or DT program must develop an extensive program of community involvement which focuses on normalization of the client and, specifically promotes growth in the skills relating to survival, socialability and personal autonomy. Such skills are identified by the IDT in the client's IPP through goals and objectives which are pertinent to community involvement. The client's regular use of public resources and services, and visibility in the community should be encouraged. Nothing in the residential or DT environment or its routines and activities should interfere with the client's interactions outside of the residence or DT program. Community involvement activities must be regularly scheduled activities which promote the client's ability to function with more independence in the community. The goal of community participation is approached by determining how to best bridge the gap between the demands of the community environment and the ability of the client's IPP to prepare him/her for community involvement. Achievement of community involvement will be determined according to the following evaluation criteria:
 - A) The facility or DT program demonstrates or provides evidence that all clients are provided with opportunities to go into the community. The activities in which they are engaged in the community must be appropriate for the clients' ages, developmental needs and interests. The activities include

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(100% of the clients) is receiving encouragement and developmental assistance in positive Personal Presentation. This evaluation will be based on direct observations by Department surveyors. Following are areas which may be addressed under Personal Presentation to promote positive self-esteem.

- A) Physical Appearance - Physical appearance (personal grooming, clothing) is in accord with community standards. Physical appearance may be enhanced by attention to hair care (cleanliness, the selection of style, and the effective use of styling equipment); clothing (selection of coordinating clothing styles and colors, accessories, and appropriate dress for particular occasions); and make-up skills (make-up application and facial enhancement).
- B) Poise and Demeanor - Personal presence can become more attractive through attention to gait, stance and eye contact; through reducing or eliminating perseveration and/or inappropriate habits of self-stimulation; and through acceptable social responses, especially those relating to physical contact and the personal zone space of others.
- C) Social Conversation - Social acceptance is enhanced by the ability to express ideas, exchange opinions, engage in social conversations, and by social awareness which provides for appropriate responses to particular situations.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 144.450 Rating Review

- a) Facilities and developmental training (DT) programs may appeal their rating levels in the Total Life Integration Program (TLI), in accordance with the following procedure.

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Section 144.450 Rating Review (Cont'd)

- b) Upon the conclusion of the IOC/TLI survey, but prior to the Exit Conference, the Department surveyors will provide the facility/DT program administrator with copies of the IOC scan sheets and the recommended TLI rating.
- c) An Exit Conference will be conducted between the facility/DT program and Department survey staff. Exit Conferences for facility staff and DT staff occur in the facility at the same time.
 - 1) During the Exit Conference, the surveyors will provide the opportunity for the facility/DT program to contest the recommended TLI rating. The facility/DT program may present supporting documentation relative to any contested areas. The surveyors will record comments regarding contested areas. No additional supporting documentation will be accepted following the Exit Conference.
 - 2) At the conclusion of the Exit Conference, the surveyors will discuss the procedures for requesting a review of the TLI rating. A written procedure for requesting a review will be left with the facility/DT program at the conclusion of the Exit Conference.
- d) The IOC scan sheets, the recommended TLI rating and the facility's/DT program's comments relative to any contested areas of the recommendation, will be sent to the Quality Assurance (QA) Section of the Bureau of Disability Services, upon the conclusion of the Exit Conference. The QA Section will determine the TLI rating, which will be sent to the facility/DT program within 15 working days of the conclusion of the Exit Conference.
- e) Request for Review
 - 1) To request a review of the TLI rating, the facility/DT program shall submit a written request to the Bureau Chief of the Bureau of Disability Services, in accordance with the procedure communicated to the facility/DT program during the Exit Conference, within 10 working

days of the date of mailing of the TLI rating from the QA Section.

2) The written request for review must contain a comprehensive explanation of the facility's/DT

program's contentions regarding the surveyors' TLI findings and/or the QA Section's

determination. The written request may be accompanied by any supporting documentation which

was in place prior to the completion of the TLI survey, and was presented for review no later

than the Exit Conference.

3) The Bureau Chief or his designee will review the surveyors' findings, the QA Section's

determination and the facility's/DT program's request for review, to make a final TLI

determination. The review will be limited to questions of fact supported by data presented up

to and including the Exit Conference. The Bureau Chief or his designee will reach a determination

based upon whether all relevant evidence was considered in the original recommended TLI rating

and whether such evidence was correctly interpreted and evaluated by the QA Section.

4) The Bureau Chief or his designee will send written notification to the facility/DT program of the review results, within 45 working days of the receipt of the facility's/DT program's request for review.

f) No other administrative review will be available.

(Source: Added at 16 Ill. Reg. _____, effective _____)

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 750

3) Section Numbers:

Proposed Action:

Amendment

Amendment

Amendment

Amendment

New Section

New Section

New Section

New Section

New Section

New Section

New Section

750.5

750.100

750.110

750.1000

750.2000

750.2010

750.2020

750.2030

750.2031

750.2032

750.2040

750.2041

750.2042

750.2050

750.2060

750.2070

750.2080

750.3000

750.3100

750.3200

4) Statutory Authority:

The Sanitary Food Preparation Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 66.90 et seq.)

The Food Service Handling Regulation Enforcement Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 330 et seq.). As amended by P.A. 86-704, effective January 1, 1990.

The Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 501 et seq.)

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5) A Complete Description of the Subjects and Issues Involved:

This rule making will provide guidance in areas of retail meat and poultry processing which are not regulated by the Department of Agriculture. Complex and potentially hazardous meat and poultry processing occurs in retail facilities where no guidance is available in coded rule form. The Department prohibited retail vacuum packaging (reduced oxygen packaging) in 1988 based on an FDA interpretation of a Model Food Service Code section identical to Illinois code requirements. Proposed methodology, primarily the Hazard Analysis Critical Control Point (HACCP) concept, coupled with prior approval by the regulatory agency, would provide a safe application of this technology. These proposed rules were developed through a joint effort of FDA, USDA, academia, local and state regulatory agencies and the food industry. They are similar to USDA's Partial Quality Control Program and FDA's Reduced Oxygen Packaging at Retail Interpretation (under development).

"Exotic" meats are becoming more common place in food service facilities. These amendments will clarify the requirement that all meat of mammalian and avian origin, including wild game and wild game birds, shall be obtained from an approved source. Although Illinois Meat and Poultry Inspection Act excludes by definition certain animals (lion, llama, etc.) and certain birds (pheasant, quail, etc.) from inspection, the Department of Agriculture has developed voluntary inspection programs for non-domesticated and exotic species. This will ensure similar safeguards are in place for the wholesomeness and product safety of both domesticated and non-domesticated meats. It provides wild game and wild game bird farms an outlet for their excess production. This Department has also worked closely with the Departments of Agriculture and Conservation to make certain the proposed amendments do not conflict with their existing regulations, nor place undue restrictions upon the individuals rearing the animals or birds.

The Uniform Retail Meat Identity Code (77 Ill. Adm. Code 770) provides definitions of ground meat and poultry products, fat content labeling, and seasonings and additives which are permitted or not permitted. The Code will be incorporated into the Food Service Sanitation Code in its entirety, then repealed as a separate Code. This will give local health departments a firm legal base to enforce these requirements through adoption of the state Code by reference into their local health ordinances.

The proposed amendments include basic labeling requirements for foods pre-packaged at the retail level. They ensure consumers have adequate labeling information (in English) concerning the name of the product, the list of ingredients in decreasing order contained in the product, weight of the product and the name and address of the processor or packager, to make informed judgments about the food they eat.

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Maximum contaminant levels and monitoring frequencies of potable water supplies for all food service establishments as listed in the Drinking Water Systems Code (77 Ill. Adm. Code 900) are also incorporated into this Part.

Tags accompanying Interstate Shellfish Sanitation Conference (ISSC) certified shellstock (oysters, clams, mussels) and invoices from certified shucked shellfish would be required to be maintained by the food service establishment for 90 days. This is to facilitate an epidemiologic traceback to the source in case the shellfish are implicated in an outbreak of Hepatitis A or some other foodborne pathogen.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

7) Does this Rulemaking Contain an Automatic Repeal Date? No.

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes.

Drinking Water Systems Code (77 Ill. Adm. Code 900)
Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This proposed rulemaking neither creates nor expands a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

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SUBPART C: PERSONNEL

SECTION

- 750.500 General - Employee Health
- 750.510 General - Personal Cleanliness
- 750.520 General - Clothing
- 750.530 General - Employee Practices
- 750.540 Management Sanitation Training and Certification
- 750.550 Management Sanitation Certification Examination (Repealed)
- 750.551 Certificate Issuance
- 750.560 Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

SECTION

- 750.600 General - Materials
- 750.610 Solder
- 750.620 Wood
- 750.630 Plastics
- 750.640 Mollusk and Crustacea Shells
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- 750.660 Accessibility
- 750.670 In-Place Cleaning
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- 750.700 Ventilation Hoods
- 750.710 General - Equipment Installation and Location
- 750.720 Table-Mounted Equipment
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SUBPART E: CLEANING, SANITIZING, AND STORAGE OF
EQUIPMENT AND UTENSILS

SECTION

- 750.800 Cleaning Frequency
- 750.810 Wiping Cloths
- 750.820 Manual Cleaning and Sanitizing
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- 750.840 Drying
- 750.850 Equipment, Utensil, and Tableware Handling
- 750.860 Equipment, Utensil, and Tableware Storage
- 750.870 Pre-Set Tableware
- 750.880 Single-Service Articles
- 750.890 Prohibited Storage Area

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SUBPART F: SANITARY FACILITIES AND CONTROLS

SECTION

- 750.1000 General - Water Supply
- 750.1010 Transportation
- 750.1020 Bottled Water
- 750.1030 Water Under Pressure
- 750.1040 Steam
- 750.1050 General - Sewage Disposal
- 750.1060 General - Plumbing
- 750.1070 Nonpotable System
- 750.1080 Backflow
- 750.1090 Grease Traps
- 750.1100 Drains
- 750.1110 General - Toilet Facilities
- 750.1120 General - Lavatory Facilities
- 750.1130 Containers - Garbage and Refuse
- 750.1140 Garbage and Refuse Storage
- 750.1150 Disposal of Garbage and Rubbish
- 750.1160 General - Insect and Rodent Control
- 750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF
PHYSICAL FACILITIES

SECTION

- 750.1200 General - Floors
- 750.1210 General - Walls and Ceilings
- 750.1220 General - Cleaning Physical Facilities
- 750.1230 General - Lighting
- 750.1240 Protective Light Shielding
- 750.1250 General - Ventilation
- 750.1260 Special Ventilation
- 750.1270 Dressing Areas
- 750.1280 Lockers
- 750.1290 Poisonous or Toxic Materials Permitted
- 750.1300 Labeling of Poisonous or Toxic Materials
- 750.1310 Storage of Poisonous or Toxic Materials
- 750.1320 Use of Poisonous or Toxic Materials
- 750.1330 Personal Medications
- 750.1340 First-Aid Supplies
- 750.1350 General - Premises
- 750.1360 Living Areas
- 750.1370 Laundry Facilities
- 750.1380 Linens and Clothes Storage
- 750.1390 Cleaning Equipment Storage
- 750.1400 Animals

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750.1890 Certificates
750.1895 Change of Address

Appendix A Retail Food Sanitary Inspection Report
Appendix B Examination Date Notification Form
Appendix C Class Enrollment Form
Appendix D Permission to Retake Certification Examination Form

SUBPART K: REDUCED OXYGEN PACKAGING

750.2000 General
750.2010 Acceptable Products
750.2020 Employee Training

750.2030 Retraining Requirements
750.2031 Labeling - Retraining Statements
750.2032 Labeling - "Use-By" Dates

750.2040 Safety Barriers

750.2041 Fish and Fishery Products

750.2042 Safety Barrier Verification

750.2050 Hazard Analysis Critical Control Point (HACCP) Program

750.2060 Precautions Against Contamination

750.2070 Disposition of Expired Product

750.2080 Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

750.3000 Exceptions

750.3100 Meat and Poultry Labeling

750.3200 Smoked Meat, Poultry and Other Food Products

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 501 et seq.) and The Sanitary Food Preparation Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 66.90 et seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, par. 521) and Section 11.1 of The Sanitary Food Preparation Act (111. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, par. 77.1).

SOURCE: Adopted December 23, 1975; amended at 2 111. Reg. 19, p. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 111. Reg. 1336, effective January 25, 1983; amended at 7 111. Reg. 16415, effective November 23, 1983; amended at 11 111. Reg. 2345, effective February 1, 1987; amended at 11 111. Reg. 18735, effective January 1, 1988; emergency amendment at 12 111. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 111. Reg. 17918, effective December 1, 1988; amended at 13 111. Reg. 1819, effective January 30, 1989; amended at

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SUBPART H: MOBILE FOOD SERVICE

SECTION
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750.1510 Restricted Operation
750.1520 Single-Service Articles
750.1530 Water Systems
750.1540 Waste Retention
750.1550 Base of Operations
750.1560 Servicing Area
750.1570 Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

750.1600 General - Temporary Food Service Establishments
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750.1660 Waste Disposal
750.1670 Handwashing
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750.1835 Make Up Work
750.1836 Home Study
750.1837 Course Waiver
750.1838 Course Dental
750.1840 Reciprocity
750.1850 Certification Examination
750.1860 Examination Notification
750.1861 Class Enrollment Form
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750.1870 Re-test Class
750.1876 Dictionary
750.1880 Retake Examination

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13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725)
- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890)
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

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"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

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"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

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"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Smoke generator" means a piece of equipment attached or integral to a smokehouse which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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e) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the conditions listed in Subpart K of this Part.

f) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:

- 1) The common and/or usual name of the product; and
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor; and
- 3) The net contents of the package; and
- 4) A list of ingredients in the order of their predominance by weight shall appear on the label. Ingredients shall be shown by their common or usual name; and
- 5) If artificial color, artificial flavor or any preservative is used, these shall be declared on the label; and

g) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product, the name of the distributing organization and shall have a list of ingredients for any multi-ingredient product made available upon request.

h) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart L of this Part.

i) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

Product	Bacterial standard	Coliform determination	Storage temperature
Mix	50,000/ml*	10/ml	45 degrees F
Frozen Dessert	50,000/ml*	10/ml	Frozen
Flavored	50,000/ml*	20/ml	Frozen

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SUBPART B: FOOD SUPPLIES

ILLINOIS REGISTER

Food shall be in sound condition, free from spoilage, filth, and other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. Use of home prepared or hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart K Reduced Oxygen Packaging of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry-milk products shall be pasteurized.

b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shellstock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.

c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard boiled peeled eggs, commercially prepared and packaged may be used.

d) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.

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The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section 750.1000 General - Water Supply

Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law. The potable water supply shall be in compliance with the requirements, and maximum contaminant levels of the Drinking Water Code (77 Ill. Adm. Code 900).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART K: REDUCED OXYGEN PACKAGING

Section 750.2000 General

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.2010 Acceptable Products

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against packaging unapproved foods.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.2020 Employee Training

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Section 750.2030 Refrigeration Requirements

All retail processed foods in reduced oxygen packages must be refrigerated at 45 degrees Fahrenheit or below or kept frozen at 0 degrees Fahrenheit or below.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.2031 Labeling - Refrigeration Statements

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format.

"IMPORTANT"
MUST BE KEPT
REFRIGERATED

"IMPORTANT"
MUST BE KEPT
FROZEN

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.2032 Labeling - "Use By" Dates

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "Pull Date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this requirement.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.2040 Safety Barriers

Refrigeration at 45 degrees Fahrenheit or less is required as the primary safety barrier. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced oxygen atmosphere at retail:

- a) Foods with a water activity (a_w) below .93, or
- b) Foods with an acidity (pH) of less than 4.6, or
- c) Foods with high levels of non-pathogenic competing organisms that prohibit the growth of pathogenic bacteria, or

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Section 750.2080 Dedicated Area/Restricted Access

All aspects of reduced oxygen packaging shall be conducted in an area specifically designated for this purpose.

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.
- b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Subpart L: Meat/Poultry Processing and Labeling

Section 750.3000 Exceptions

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of this regulation.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 750.3100 Meat and Poultry Labeling

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 750.110 (f) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.

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- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF

Not Less Than 75% Lean

or

Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK

or

GROUND BEEF CHUCK

Not Less Than 75% Lean

- d) The label of a prepacked product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 750.10, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX

70% Beef

Ingredients: Beef, water

non-meat protein extenders

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Section 750.3200 Smoked Meat, Poultry and Other Food Products

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by USDA, FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the requirements of Section 750.180 (Cooking Potentially Hazardous Foods).
 - 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
 - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.
 - 3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature remains at or below 45 degrees Fahrenheit.
- d) A Hazard Analysis Critical Control Point Program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:
 - 1) Destesting procedures, if used; and
 - 2) Time/temperature requirements for cooking and smoking; and
 - 3) Cooling procedures; and
 - 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled; and
 - 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination; and
 - 6) Description of the cleaning and sanitizing procedures including frequency; and
 - 7) Samples of labels with all ingredients contained in the product.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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- e) "Seasoning" permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in conditional proportions. Seasoning does not include preservatives, coloring, sulfites or color enhancers.
- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef	Beef
Ground Lamb or	Ground: Lamb
Ground Pork	Pork
Ground Turkey	Turkey
- g) Fanctful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanctful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.
- j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Added at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Retail Food Store Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 760

3) Section Numbers:

760.15
760.20
760.100
760.110
760.900
760.2000
760.2010
760.2020
760.2030
760.2031
760.2032
760.2040
760.2041
760.2042
760.2050
760.2060
760.2070
760.2080
760.3000
760.3100
760.3200

Proposed Action:

Amendment
Amendment
Amendment
Amendment
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority:

The Sanitary Food Preparation Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 66.90 et seq.)

The Food Service Handling Regulation Enforcement Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 330 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 501 et seq.)

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5) A Complete Description of the Subjects and Issues Involved:

This rule making will provide guidance in areas of retail meat and poultry processing which are not regulated by the Department of Agriculture. Complex and potentially hazardous meat and poultry processing occurs in retail facilities where no guidance is available in coded rule form. The Department prohibited retail vacuum packaging (reduced oxygen packaging) in 1988 based on an FDA interpretation of a Model Food Service Code section identical to Illinois code requirements. Proposed methodology, primarily the Hazard Analysis Critical Control Point (HACCP) concept, coupled with prior approval by the regulatory agency, would provide a safe application of this technology. These proposed rules were developed through a joint effort of FDA, USDA, academia, local and state regulatory agencies and the food industry. They are similar to USDA's Partial Quality Control Program and FDA's Reduced Oxygen Packaging at Retail Interpretation (under development).

"Exotic" meats are becoming more common place in food service facilities. These amendments will clarify the requirement that all meat of mammalian and avian origin, including wild game and wild game birds, shall be obtained from an approved source. Although Illinois Meat and Poultry Inspection Act excludes by definition certain animals (lion, llama, etc.) and certain birds (pheasant, quail, etc.) from inspection, the Department of Agriculture developed voluntary inspection programs for non-domesticated and exotic species. This will ensure similar safeguards are in place for the wholesomeness and product safety of both domesticated and non-domesticated meats. It provides wild game and wild game bird farms an outlet for their excess production. This Department has also worked closely with the Departments of Agriculture and Conservation to make certain the proposed amendment does not conflict with their existing regulations, nor place undue restrictions upon the individuals rearing the animals or birds.

The Uniform Retail Meat Identity Code (77 Ill. Adm. Code 770) provides definitions of ground meat and poultry products, fat content labeling, and seasonings and additives which are permitted or not permitted. The Code will be incorporated into the Retail Food Store Sanitation Code in its entirety, then repealed as a separate Code. This will give local health departments a firm legal base to enforce these requirements through adoption of the state Code by reference into their local health ordinances.

The proposed amendments include basic labeling requirements for foods pre-packaged at the retail level. They ensure consumers have adequate labeling information (in English) concerning the name of the product, the list of ingredients in decreasing order contained in the product, weight of the product and the name and address of the processor or packager, to make informed judgments about the food they eat.

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DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICSPART 760
RETAIL FOOD STORE
SANITATION CODE

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- 760.15 Incorporated Materials
- 760.20 Definitions
- 760.30 Inspections and Inspection Report

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AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 501 et seq.) and The Sanitary Food Preparation Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 66.90 et seq.), and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, par. 521) and Section 11.1 of The Sanitary Food Preparation Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, par. 77.1).

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 7 Ill. Reg. 8532, effective July 8, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 18743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17935, effective December 1, 1988; amended at 13 Ill. Reg. 1830, effective January 30, 1989; amended at 13 Ill. Reg. 1830, effective December 1, 1989; amended at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 760.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725)
- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890)
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990, 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 760.20 Definitions

For the purpose of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

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"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product which cures, accelerates color fixing or preserves color in meat or poultry products including but not limited to sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Regulatory authority" means the State and/or local enforcement authority or authorities having responsibility for enforcing this Part.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

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"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Smoke generator" means a piece of equipment attached or integral to a smokehouse which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Temporary Retail Food Store" means a retail store that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only fresh fruits and fresh vegetables, or temporary food service establishments.

"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

g) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the conditions listed in Subpart k of this Part.

h) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:

- 1) The common and/or usual name of the product; and
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor; and
- 3) The net contents of the package; and
- 4) A list of ingredients in the order of their predominance by weight shall appear on the label. Ingredients shall be shown by their common or usual name; and
- 5) If artificial color, artificial flavor or any preservative is used, these shall be declared on the label; and
- 6) Bulk foods require the same information to be provided on placards, bin labels or counter cards excluding net contents.

Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product, the name of the distributing organization and shall have a list of ingredients for any multi-ingredient product made available upon request; and

i) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart l of this Part.

j) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

Product	Bacterial standard	Coliform	Storage temperature
Mix	50,000/ml*	more than	45 degrees F
	plate count not	determination	
	more than	not more than	

SUBPART B: FOOD

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

ILLINOIS REGISTER

Section 760.100 General - Food Supplies

Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home shall not be used or offered for sale. Hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart j Reduced Oxygen Packaging of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 760.110 Special Requirements for Food Supplies

- a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until used or sold.
- c) Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency, where applicable. Each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- d) Only clean shell Grade A eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
- e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.
- f) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

<u>Frozen Dessert</u> <u>Plain</u>	<u>50,000/ml*</u>	<u>10/ml</u>	<u>Frozen</u>
<u>Frozen Dessert</u> <u>Flavored</u>	<u>50,000/ml*</u>	<u>20/ml</u>	<u>Frozen</u>

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART F: SANITARY FACILITIES
AND CONTROLS

Section 760.900 General - Water Supply

Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to law the Drinking Water Code (77 Ill. Adm. Code 900).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART J: REDUCED OXYGEN PACKAGING

Section 760.2000 General

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.2010 Acceptable Products

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against packaging unapproved foods.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.2020 Employee Training

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

(Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 760.2030 Refrigeration Requirements

All retail processed foods in reduced oxygen packages must be refrigerated at 45 degrees Fahrenheit or below or kept frozen at 0 degrees Fahrenheit or below.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.2031 Labeling - Refrigeration Statements

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format.

"IMPORTANT"
MUST BE KEPT
REFRIGERATED

"IMPORTANT"
MUST BE KEPT
FROZEN

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.2032 Labeling - "Use By" Dates

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "Pull Date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this requirement.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.2040 Safety Barriers

Refrigeration at 45 degrees Fahrenheit is required as the primary safety barrier. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced oxygen atmosphere at retail:

- a) Foods with a water activity (a_w) below .93, or
- b) Foods with an acidity (pH) of less than 4.6, or
- c) Foods with high levels of non-pathogenic competing organisms that prohibit the growth of pathogenic bacteria, or

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.
- b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Subpart K: Meat/Poultry Processing and Labeling

Section 760.3000 Exceptions

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of this regulation.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.3100 Meat and Poultry Labeling

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 760.110 (h) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef, or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF

Not Less Than 75% Lean

or

Not More Than 25% Fat

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK

or

GROUND BEEF CHUCK

Not Less Than 75% Lean

- d) The label of a prepacked product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 760.20, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water, or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX

70% Beef

Ingredients: Beef, water

non-meat protein extenders

- e) "Seasoning" permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include preservatives, coloring, sulfites or color enhancers.
- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef	Beef
Ground Lamb or Ground	Lamb
Ground Pork	Pork
Ground Turkey	Turkey

g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.

h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.

i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.

j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 760.3200 Smoked Meat, Poultry and Other Food Products

a) Any smoking operation shall comply with all other applicable requirements of this Part.

b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by USDA, FDA or the Illinois Department of Agriculture meet these safety requirements.

c) The internal temperature of any smoked product shall comply with the requirements of Section 760.190 (Cooking Potentially Hazardous Foods).

1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.

2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.

3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature(s) remains at or below 45 degrees Fahrenheit.

d) A Hazard Analysis Critical Control Point Program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:

- 1) Defrosting procedures, if used; and
- 2) Time/temperature requirements for cooking and smoking; and
- 3) Cooling procedures; and
- 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled; and
- 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination; and
- 6) Description of the cleaning and sanitizing procedures including frequency; and
- 7) Samples of labels with all ingredients contained in the product.

(Source: Added at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

1) Heading of the Part:

Uniform Retail Meat Identity

2) Code Citation: 77 Ill. Adm. Code 7703) Section Numbers:770.10
770.20
770.30Proposed Action:Repealer
Repealer
Repealer4) Statutory Authority:

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 56 1/2, pars. 501 et seq.)

5) A Complete Description of the Subjects and Issues Involved:

The Department proposes to repeal the Uniform Retail Meat Identity Code (77 Ill. Adm. Code 770) as a separate code and incorporate the regulations into both the Food Service Sanitation Code (77 Ill. Adm. Code 750) and the Retail Food Store Sanitation Code (77 Ill. Adm. Code 760). The Department supports the original intent of the rulemaking which was to promote consistency in the labeling of ground meats, reduce consumer confusion because of a lack of uniformity and to protect the public health.

The Food Service Sanitation and Retail Food Store Sanitation Codes are the codes customarily used as the legal base for inspection and regulation of retail food establishments by both state and local health departments as required by the Local Health Departments Program Standards Code (77 Ill. Adm. Code 615). Incorporation of the Uniform Retail Meat Identity Code into these codes and subsequent repeal as a separate entity allows local health departments to enforce these regulations during their routine inspection oversight.

6) Will this Repealer Replace an Emergency Rule Currently in Effect? No.7) Does this Repealer Contain an Automatic Repeal Date? No.8) Does this Repealer Contain Any Incorporations By Reference? No.9) Are there any other Proposed Amendments Pending on this Part? No.10) Statement of Statewide Policy Objectives:

This proposed rulemaking neither creates nor expands a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

This repealer may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:B) Type of Small Businesses Affected:

Retail Food Store Establishments and Retail Food Service Establishments

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

N/A

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

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- b) It is not necessary to indicate the lean-to-fat content, however, if it is shown, the label must indicate "Not Less Than ___ % Lean," or "Not More Than ___ % Fat." An example would be:

GROUND BEEF
Not Less Than 75% Lean

or

Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chunk, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK

or

GROUND BEEF CHUCK

Not Less Than 75% Lean

- d) The label of a prepacked product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 770.20(a), shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX

70% Beef

Ingredients: Beef, water

non-meat protein extenders

- e) The requirements which apply to ground beef shall also apply to veal, lamb, or pork if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb and pork would be:

Ground Beef	Beef
Ground Lamb or	Ground: Lamb
Ground Pork	Pork

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- f) Fanciful or characterizing names of ground meats are permitted but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- g) No grade designation may be used for ground meat. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- h) Meat products which are prepared and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1981, ch. 56 1/2, pars. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of this regulation.
- i) The official methods of analysis to determine compliance with these regulations shall be the official and tentative methods of analysis of the Association of Official Agricultural Chemists.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: General Conditions of State of Illinois Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970.

2) Code Citation: 35 Ill. Adm. Code 360

3) Section Numbers: Adopted Action:

360.601 Amend
360.602 Amend

4) Statutory Authority: Section 4 of the Anti-Pollution Bond Act (Ill. Rev. Stat. 1989, ch. 127, par. 454).

5) Effective Date of Amendments: March 31, 1992

6) Does this rulemaking contain an automatic repeal date? Yes No

If "yes", please specify the date: _____

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: March 26, 1992

9) Notice of Proposal Published in Illinois Register: 15 Ill. Reg. 15202, October 25, 1991.

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version:

Table of Contents: The Part numbers were placed to the left of the appendix references in the table of contents.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not have any questions or problems regarding these amendments. Therefore, no agreements were necessary.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The Anti-Pollution Bond Act of 1970 authorizes the Agency to issue grants to units of local governments for the planning, design and construction of sewage treatment works. These amendments delete the previous requirement for an interim submittal of both the sewer use ordinance and the user charge system. The previously required interim submittal was tied to a certain percentage of grant

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

payments. These amendments also allow the use of a tax system in lieu of a user charge system if it is used solely for the support of the operation and maintenance of a collection system.

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

Bruce Carlson
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 360
GENERAL CONDITIONS OF STATE
OF ILLINOIS GRANTS FOR SEWAGE
TREATMENT WORKS UNDER THE
ANTI-POLLUTION BOND ACT OF 1970

SUBPART A: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH GRANT CONDITIONS

- Section
- 360.101 Noncompliance with Grant Conditions
- 360.102 Stop-Work Order
- 360.103 Termination
- 360.104 Waiver of Conditions

SUBPART B: REQUIREMENTS APPLICABLE TO APPLICATIONS FOR GRANTS

- Section
- 360.201 Contents of Grant Applications
- 360.202 Sewer System Evaluation and Rehabilitation
- 360.203 Facilities Planning
- 360.204 Covenant Against Contingent Fees
- 360.205 Areawide Waste Treatment Management Planning

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

- Section
- 360.301 General Conditions for all Subagreements
- 360.302 Construction Contracts of Grantee
- 360.303 Contracts for Personal and Professional Services -- Consulting Engineering Agreements
- 360.304 Equal Opportunity
- 360.305 Compliance with Procurement Requirements
- 360.306 Disputes
- 360.307 Indemnity

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION,
AMENDMENT, COMPLETION AND OPERATION OF PROJECT

- Section
- 360.401 Project Initiation
- 360.402 Project Changes

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED AMENDMENTS

- 360.403 Supervision
- 360.404 Project Sign
- 360.405 Final Inspection
- 360.406 Operation and Maintenance

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

- Section
- 360.501 Access
- 360.502 Audit and Records
- 360.503 Reports

SUBPART F: REQUIREMENTS FOR SEWER USE ORDINANCE,
USER CHARGES AND FLOOD PLAIN INSURANCE

- Section
- 360.601 Sewer Use Ordinance
- 360.602 User Charges
- 360.603 Flood Plain Insurance

SUBPART G: INCORPORATED REQUIREMENTS

- Section
- 360.701 Statutory Conditions
- 360.702 Incorporation of Documents

SUBPART H: REQUIREMENTS APPLICABLE TO PAYMENT OF GRANTS

- Section
- 360.801 Determination of Allowable Costs
- 360.802 Amount of Grant-Percentage of Approved Allowable Costs
- 360.803 Use of Grant and Payment of Non-Allowable Costs
- 360.804 Grant Payment Schedule
- 360.805 Other Federal or State Grants

- 360.Appendix A General Conditions of Construction Contract Documents (Document No. 11 of the Contract Documents for Construction of Federally Assisted Water and Sewer Projects)
- 360.Appendix B Access to Records -- Audit (Existing Consulting Engineering Agreements) (applicable to consulting engineering agreements entered into between June 30, 1975 and July 1, 1976)
- 360.Appendix C Required Provisions -- Consulting Engineering Agreements (Applicable to consulting engineering agreements entered into after July 1, 1976)
- 360.Appendix D Procedures for Determination of Indirect Costs and Indirect Cost Rates

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 6) The use of a tax system in lieu of a user charge system, or as a supplement thereto, is specifically disallowed unless it meets federal requirements or unless the tax system is dedicated to support the operation and maintenance of a collection system and where treatment is provided by another municipality.
- 7) The user charge system shall meet such other standards as the Agency may reasonably require in order to assure the continued financial stability of the grantee.
- c) Upon approval of a grantee's system of user charges, the implementation and maintenance of the approved system and the implementation schedules therefore shall become a condition of the grant subject to the provisions of General Condition Section 360.101, (Noncompliance with Grant Conditions) hereof.
- d) The grantee must maintain such records as are necessary to document such compliance. The grantee shall maintain such records in accordance with the provisions of the Local Records Act, Ch. 116 Ill. Rev. Stats. 1975, Secs. 43. 101-43.114, except that no such records may be destroyed for a period of 30 years unless microfilm reproductions are made.
- e) The Agency or any authorized representative shall have access to any books, documents, papers, and records of the grantee which are applicable to the grantee's system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the provisions of paragraph (b) of this general condition.

(Source: Amended at 16 Ill. Reg. 5891, effective March 31, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: DEVELOPMENTAL DISABILITIES SERVICES
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: Adopted Action:
144.275 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendment: March 20, 1992
- 6) Does this rulemaking contain an automatic repeal date?
Yes No
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 20, 1992
- 9) Notice of Proposal Published in Illinois Register:
November 8, 1991 (15 Ill. Reg. 15926)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Differences between proposal and final version: There were no differences between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendment: This rulemaking provides for an increase in the rate paid ICF/DD facilities for dental services. This increase results from additional funds being generated by assessment fees. This change is estimated to increase the Department's aggregate expenditures for nursing facilities by \$500,000 in Fiscal Year 1992.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name:

Joanne Jones

Bureau of Rules and Regulations

Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone:

(217) 524-3215

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

Section

144.1	Incorporation by Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities
144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities
144.75	Comprehensive Functional Assessments and Reassessments
144.100	Interdisciplinary Team (IDT)
144.105	Individual Program Plan (IPP)
144.125	Specialized Care - Behavior Development Programs
144.150	Specialized Care - Health and Sensory Disabilities
144.175	Functional Needs
144.200	Service Needs - Medical Care
144.205	Service Needs - Medical and Therapy Services
144.225	Individual Rights
144.250	Discharge Planning/Maximum Growth Potential Plan
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

PART 144
DEVELOPMENTAL DISABILITIES SERVICE
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

NOTICE OF ADOPTED AMENDMENT

DEPARTMENT OF PUBLIC AID

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (III. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (III. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.275 Reimbursement for Program (Active Treatment)
Costs in Residential Facilities for Clients
with Developmental Disabilities

Residential facilities, including distinct parts of facilities, for clients with developmental disabilities (ICF/MR certification with licensure for ICF/DD, ICF/DD-16, SLC, and ICF/MR-SNF/PED license), excluding state operated facilities for individuals with developmental disabilities, will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived from the following four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

- 1) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.430) minimum average daily staffing standards relative to client population according to each individual's overall level of functioning:

Overall Level of Functioning	FTE* Staff : Client Ratio
Mild	1:5

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment)
Costs in Residential Facilities for Clients
with Developmental Disabilities (Cont'd)

Overall Level of
Functioning FTE* Staff : Client Ratio

Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

- A) Determination of levels of functioning of clients with mental retardation and related conditions, in accordance with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period), will include both:
- i) an assessment of intellectual functioning as measured by a standardized, full scale, individual intelligence test such as the Stanford Binet and WAIS-R. Such an assessment must be administered by a psychologist who is registered in Illinois under the Illinois Psychological Act (Illinois Department of Professional Regulation); and
 - ii) an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory For Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors. Facilities wishing to use assessment instruments other than the SIB or ICAP must submit the instrument

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 30 clients will be reimbursed for additional FTE nurses according to the following Table:

<u>Licensed Capacity,</u> <u>Client Type</u>	<u>FTE Nurse : Client</u> <u>Ratio</u>
Greater than 30 clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and III	1:6.25

AGENCY NOTE: The Omnibus Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which meet ICF/MR certification requirements must be certified ICF/MR in order to comply with federal law when admitting individuals with mental retardation. Facilities which undergo certification conversion to ICF/MR will retain State licensure for skilled care (SNF/PED).

C) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) which has a licensed capacity of 30 clients or more, some of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some of whom do not require such services, will be reimbursed for FTE nurses according to the following Table:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

<u>Client Type</u>	<u>FTE Nurse:Client Ratio</u>
Clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and/or III	1:6.25

<u>Client Type</u>	<u>FTE Nurse:Client Ratio</u>
Clients with no Specialized Care needs under Levels II and III	1:18.75

For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the number of FTE nurses will be (30 divided by 6.25 = 4.8) + (60 divided by 18.75 = 3.2) = 8. The facility will be reimbursed for 8 FTE nurses.

D) Licensed nurses are not required in an ICF/DD-16 if none of the clients require a physician's medical care plan of treatment.

i) An ICF/DD-16 which has 8 or fewer clients with medical care plans of treatment but who do not require services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, will be reimbursed for .5 FTE nurse. A facility with 9 or more such clients will be reimbursed for one (1) FTE nurse.

ii) An ICF/DD-16 with clients requiring medical care plans of treatment and additional medical services under Specialized Care - Health and Sensory

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

Disabilities, Level(s) II and/or III, will be reimbursed according to the method in subsection (i) above, plus additional reimbursement for licensed nurses using an FTE nurse: client ratio of 1:6.25.

E) The licensed nurse component is computed similarly to the method in subsection (a)(1)(C). To determine the amount for Licensed Nurses, the number of FTE nurses required for each facility type and/or for clients receiving services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, shall be obtained according to subsections (a)(2)(A), (B), (C) and (D). This number is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.
- b) Active Treatment
 - 1) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:
 - A) A doctor of medicine or osteopathy.
 - B) A registered nurse.
 - C) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist. Therapist; Social Worker; Recreation Specialist; Registered Dietitian; and Human Master's Degree.

NOTICE OF ADOPTED AMENDMENT

Section 144.275

Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR, 483.430) The amount for QMRPs assumes that a full-time QMRP is required for every fifteen (15) clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by fifteen (15). The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.

- D) The amount for QMRPs assumes that a full-time QMRP is required for every fifteen (15) clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by fifteen (15). The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.
- 2) Interdisciplinary Team (IDT)
 - A) The amount for services rendered by the IDT assumes that each client requires one day of IDT services per year. This amount is computed to be \$1.82 per client per day.
 - B) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is required (Section 144.100 and 89 Ill. Adm. Code 140.647). Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

- 3) Additional Direct Service Staff (ADSS)
 - A) The amount for ADSS assumes an FTE staff: client ratio of 1:7.5. The total number of clients is divided by 7.5, and a per diem amount is obtained according to the method

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

described in subsection (a)(1)(B). In SLC facilities, the foregoing calculation is modified so that the overall level of functioning is distributed proportionately across each living unit (16-18 clients) in Step 1 of the calculation. If dividing the number of clients results in a fraction, it is rounded up to the next whole number in proportion to the number of clients in the severe/profound level of functioning. The total FTE is obtained by summing the calculation results from each living unit.

- B) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (subsection (a)(1)), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- 4) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

c) Specialized Care

An additional amount will be paid for clients meeting the requirements for services under Specialized Care. Detailed descriptions of services under Specialized Care are found in Section 144.125 Specialized Care - Behavior Development Programs, and Section 144.150, Specialized Care - Health and Sensory Disabilities. The service Level for each client meeting the criteria of more than one Level under Specialized Care will be determined according to his/her disability or functional deficit which represents the most intense need for services under Specialized Care, and results in the greatest reimbursement.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

1) Specialized Care - Behavior Development Programs

Behavior development programs are related to maladaptive behaviors which occur with high frequency and/or great severity, and are instituted for the reduction of maladaptive behaviors and/or the increase of adaptive behaviors. The behavior development program must demonstrate the need for and use of a more intensive staffing pattern (direct care staff) than the regular pattern which is reimbursed for under subsection (a)(1). The service Level for a client who meets the requirements for services under Specialized Care - Behavior Development Programs will be identified and validated during the most recent IOC.

- A) Level I - .5 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency but moderate severity, such as verbal abuse one or more times per 4 hours which is hostile in tone and content.
- B) Level II - 1.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency and are aggressive or destructive, such as purposeful attacks of others which may result in minimal injuries, one or more times per day.
- C) Level III - 2.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with very high frequency such as hyperactivity one or more times per minute, or occur with high frequency and are seriously aggressive, assaultive or destructive and which may result in serious injury.

2) Specialized Care - Health and Sensory Disabilities
Specialized services for health and sensory

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NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

- i) daily intermittent catheterization;
- ii) care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations;
- iii) respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning;
- iv) feeding via nasogastric tube, or prolonged oral feeding; and
- v) intensive physical habilitation due to a functional deficit as determined by physical or psychological causes.

AGENCY NOTE: A client who meets the criteria for Level III services is eligible for the FTE nurse:client ratio according to subsection (a)(2)(B), (C) and (D).

- 3) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under subsection (c)(1) and (2), pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage factor is \$5.00, assume a facility of 10 residents, two of whom meet the criteria for Specialized Care - Health and Sensory Disabilities Level II (c)(2)(C) with no daily medical needs, or sensory deficits, and eight of whom do not meet Specialized Care criteria. The facility will receive an amount of \$.81 per client per day (2 hours x 1.14 (FTE adjustment factor) divided by 8 hours/day = .285 staff; then .285 x (2080 hours/year divided by 365 days/year); then divide by 10 clients and multiply by \$5.00 to obtain \$0.81).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

- d) Related Costs
 - 1) An amount per client per day will be paid for other program costs, including program - related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.
 - 2) For each facility type, this amount will be determined as follows. Add the amounts determined for subsections (a), (b) and (c), but excluding the amount for the IDT (subsection (b)(2)), and then multiply this sum by the facility's Health Service Area (HSA) grouping (89 Ill. Adm. Code 140.Table B and 89 Ill. Adm. Code 140.Table J). The product plus the amount for the IDT (subsection (b)(2)), is then multiplied by a constant for the facility type, as follows:

Facility Type	Constant
ICF/DD	.10
SNF/PED or ICF/DD (An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities.)	.15
ICF/DD-16 & SLC	.20

- 3) An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some clients not requiring such services will have the total related cost calculated according to the weighted sum of the number of clients requiring Level(s) II and/or III multiplied by .15, plus the number of clients not requiring such services multiplied by .10. For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the total related cost will be calculated according to subsection (d)(2) for both groups of clients. (That is, subsections (a), (b) and (c)

NOTICE OF ADOPTED AMENDMENT

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities (Cont'd)

are summed, excluding the amount for the IDT, for clients requiring Level(s) II and/or III and for clients not requiring Level(s) II and/or III. Each sum is multiplied by the facility's HSA grouping, and the products are added to the amount for the IDT.) Each outcome is multiplied by the appropriate constant (the SNF/PED-ICF/DD constant of .15 or the ICF/DD constant of .10), and then by the number of clients in each group respectively. The two products are summed and then divided by the total number of clients.

4) An amount will also be paid for dental services which are in compliance with HCFA's regulations (42 CFR 483.460(e)(f)(g)), for each client age 21 or more. Beginning July 1, 1991, this amount will be determined by adding the flat per diem of \$0.16-\$0.30 to the amount calculated according to subsection (d)(2) above. This per diem will cover the costs of prophylaxis treatment up to once every six (6) months, and periodontal services as needed for each eligible client.

e) Total Program Per Diem - Total program per diem for each facility will be the sum of the amounts from subsections (a), (b), (c) and (d).

(Source: Amended at 16 Ill. Reg. 5898, effective March 20, 1992)

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

1) Heading of the Part:

College Immunization Code

2) Code Citation:

77 Ill. Adm. Code 694

3) Section Numbers:

694.220

Adopted Action:

Amendment

4) Statutory Authority:

The College Student Immunization Act III. Rev. Stat. 1989 and 1990 Supp., ch. 144, par. 2601 et seq.

5)

Effective Date of Rules:

March 31, 1992.

6)

Does this Rulemaking Contain an Automatic Repeal Date? Yes No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes No

If "yes," please specify type: 6.02(a) or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No

8)

Date Filled in Agency's Principal Office:

March 31, 1992

9)

Date Notice(s) of Proposal was Published in Illinois Register:

May 10, 1991 - 15 Ill. Reg. 6972

10)

Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes No

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

No changes were made in response to comments received during the first notice or public comment period.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ___ No X

14) Are there any other Amendments Pending on this Part? Yes ___ No X

If yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

15) Summary and Purpose of Rules:

This rulemaking modifies the existing terminology for exemptions to college immunization requirements. It changes the current exemption for post-secondary students enrolled in "one class" during a term or semester to students enrolled "less than half-time" during a term or semester. Many colleges and universities do not have administrative systems designed to identify a student's enrollment in terms of the number of classes or courses.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:
Control of Sexually Transmissible Diseases Code
- 2) Code Citation:
77 Ill. Adm. Code 693
- 3) Section Numbers: Adopted Action:

693.10	Amendment
693.15	Amendment
693.30	Amendment
693.40	Amendment
693.45	New Section
693.100	Amendment
- 4) Statutory Authority:
The Illinois Sexually Transmissible Disease Control Act
(Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7401 et seq., as amended by P.A. 87-763, effective October 4, 1992)
- 5) Effective Date of Rules:
March 30 1992
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X
If "yes," please specify date:
- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes X No ___
If "yes," please specify type: 6.02(a) X or 6.02(b) ___
If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___
- 8) Date Filed in Agency's Principal Office:
March 24, 1992

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 9) Date Notice(s) of Proposal was Published in Illinois Register:
November 22, 1991 - 15 Ill. Reg. 16874
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes ___ No X
If "yes," please complete the following:
 - A) Statement of Objection: _____, ___ Ill. Reg. _____
 - B) Agency Response: _____, ___ Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to the Joint Committee:
- 11) Difference Between Proposal and Final Version:
No changes were made in response to comments received during the first notice or public comment period.
The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:
The first sentence of Section 693.40(b)(3)(B)(vi) has been modified as follows:

If the invasive procedures performed by the health care provider were not exposure-prone invasive procedures, and no other potential risk of transmission was identified by the Department, the entity performing the investigation shall provide the health care provider with information concerning the use of universal precautions and the recommendations of the Centers for Disease Control concerning the prevention of HIV transmission in the health care setting.

Section 693.100(e)(1) and (e)(3) have been modified to specify "when disclosure is made".

The first sentence of Section 693.45(c) was revised to clarify that a copy of the notification shall be submitted to the Department, when a individual chooses to self-notify.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

"Carrier" means a person infected with an STD who is capable of
 "Blood Bank" means any facility or location at which blood or plasma
 are procured, furnished, donated, processed, stored or distributed.
 "Act" means Illinois Sexually Transmissible Disease Control Act (111.
 Rev. Stat. 1989, ch. 111 1/2, par. 7401 et seq.).

The following definitions shall apply to the terms used in this Part, unless
 specifically stated otherwise:

Section 693.10 Definitions

SOURCE: Adopted at 12 111. Reg. 10097, effective May 27, 1988; amended at 15
 111. Reg. 11686, effective August 15, 1991; emergency amendment at 15 111. Reg.
 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16
 111. Reg. 5921, effective March 30, 1992.

AUTHORITY: Implementing and authorized by Illinois Sexually Transmissible
 Disease Control Act (111. Rev. Stat. 1989, ch. 111 1/2, pars. 7401 et seq.) and
 The Department of Public Health Act (111. Rev. Stat. 1989 and 1990 Supp., ch.
 111 1/2, pars. 22 and 22.04).

693.10	Definitions
693.15	Incorporated Materials
693.20	Reportable STDs and Laboratory Results
693.30	Reporting
693.35	Fines and Penalties
693.40	Contact Interview and Investigation
693.45	Notification of Health Care Contacts
693.50	Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia
693.60	Isolation for Syphilis, Gonorrhea, Chlamydia
693.70	Counseling and Education for AIDS and HIV
693.80	Isolation for AIDS and HIV
693.90	Quarantine
693.100	Confidentiality
693.110	Examination and Treatment of Prisoners
693.120	Certificate of Freedom from STDs
693.130	Treatment of Minors
693.140	Control Measures

**PART 693
 CONTROL OF SEXUALLY TRANSMISSIBLE DISEASES CODE**

DEPARTMENT OF PUBLIC HEALTH
 NOTICE OF ADOPTED AMENDMENT(S)
 TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No

14) Are there any other Amendments Pending on this Part? Yes No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

15) Summary and Purpose of Rules:

This rulemaking establishes procedures that will be utilized by the Department in investigating reports of health care providers infected with AIDS and patients infected with AIDS who have had invasive procedures performed on them, and in notifying persons who have had contact with the subject of such reports. The rulemaking specifies that reports of AIDS cases, already required by these rules, shall include information concerning whether the subject of the report has had invasive procedures performed on him or her, and whether the subject is a health care provider. Terms including "exposure-prone invasive procedure", "health care provider", and "invasive procedure" are defined and the definition of "contact", is expanded. This rulemaking also includes provisions concerning STD reporting requirements that have long been included in this Part, but that were inadvertently deleted from amendments to this Part that became effective on August 15, 1991.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

transmitting the infection to others.

~~"Contact" means a person who has been in direct sexual contact with a carrier, a contact to AIDS/HIV is a person who has been in direct sexual or needle contact with a person with AIDS or HIV infection, or who has received insemination, a blood transfusion or an organ or tissue transplantation donated by a person with AIDS, or HIV infection:~~

an individual who has been in direct sexual contact with a carrier of syphilis, gonorrhea or chlamydia;

an individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;

an individual who has received insemination, a blood transfusion or an organ or tissue transplantation donated by a person with AIDS or HIV infection;

An individual who has undergone invasive procedures performed by an HIV infected health care provider and the Department has determined that there is or may have been potential risk of HIV transmission from the health care provider to that individual;

A health care provider who has performed invasive procedures for a person infected with HIV and the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care provider.

"Department" means the Illinois Department of Public Health (Section 3 of the Act).

"Designated Agency" means a health care organization designated by the Department under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.

"Epidemiologic Data" means information obtained through the contact interview and counseling process, regarding possible exposure to an STD.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care provider's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Provider" means any physician, dentist, podiatrist, nurse or other person providing health care services of any kind.

DEPARTMENT OF PUBLIC HEALTH

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"HIV" means the human immunodeficiency virus.

"HIV-Infection" means infected with HIV, as evidenced by a confirmed laboratory test for antibodies to HIV as specified in Section 697.100 viral culture or positive antigen test or a clinical diagnosis of AIDS.

"Invasive Procedure" means surgical entry into tissues, cavities, or organs or repair of major traumatic injuries associated with any of the following:

an operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

cardiac catheterizations and angiographic procedures;

vaginal or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

manipulation, excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means separation of an individual presenting a threat to the public health from others until such time as a risk to the public health no longer exists.

"Laboratory" means any facility or location at which tests are performed to determine the presence of infection with an STD, other than a blood bank.

"Local Health Authority" means the full-time official health department or board of health having jurisdiction over a particular area (Section 3 of the Act.)

"Quarantine" means the closure to public access of a location that presents a risk to the public health until such time that a risk to the public health no longer exists.

"Sexually Transmissible Disease (STD)" means Syphilis, Gonorrhea, Chlamydia, Acquired Immunodeficiency Syndrome (AIDS) or HIV infection, as defined in Section 693.20.

"Self-Refer" means to notify one's previous sex and needle sharing contacts, where applicable, of their possible exposure to an STD or HIV, and to refer such contacts to appropriate health professionals for counseling and possible testing.

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- was established;
- ii) Risk factors;
 - iii) The diagnosis and any laboratory findings, including HIV test results;
 - iv) Each AIDS related diagnosed successive, opportunistic disease (e.g. Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction; and
 - v) For reports submitted by hospitals, the name and telephone number of the individual completing the form, if different from the physician;
 - vi) Whether the individual has had any invasive procedures performed on him or her and, if so, the types of invasive procedures and the name(s), address(es) and telephone number(s) of the health care provider(s) who performed those invasive procedures; and
 - vii) Whether the individual is a health care provider, and, if so, the type of health care provider and whether the individual has performed invasive procedures.
- B) For HIV infection in cases not clinically diagnosed or treated as AIDS by the reporting physician:
- i) The individual's city of residence, age, race/ethnicity, sex,
 - ii) The laboratory findings,
 - iii) Risk factors for HIV infection,
 - iv) Whether the individual is known to have previously tested positive for antibodies to HIV,
 - v) Reason for testing, and
 - vi) Whether counseling and/or sex partner referral has taken place or whether assistance is needed from the Local Health Authority or the Department.
- 4) Syphilis, gonorrhea and chlamydia case and laboratory reports in cities having a population of 500,000 or over shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available:
- A) The individual's name, address, telephone number, age, birthdate, race/ethnicity, sex, marital status, pregnancy status,
 - B) The diagnosis, diagnostic classification, and any laboratory findings,
 - C) The amount and type of treatment, including preventive treatment, which the individual is receiving, has received or will receive, and whether treatment has been completed, and

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- D) The type of treatment facility.
- b) Every laboratory and blood bank, through its Director, shall report each case in which the laboratory or blood bank performed a test for an STD which concluded with a reportable laboratory result.
- 1) The STD laboratory report shall be mailed within five (5) days after such test result.
 - 2) If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD laboratory report shall be made to that health authority. For syphilis, gonorrhea and chlamydia test subjects in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD laboratory report shall be made directly to the Illinois Department of Public Health.
 - 3) For HIV laboratory results, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:
 - A) The individual's name, address, and telephone number of age, race/ethnicity, sex, marital status, or patient code number as provided by the physician or other person who submitted the specimen for testing (not applicable to blood banks) by a laboratory,
 - B) The individual's city of residence, age, race/ethnicity, and sex. The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks), and
 - C) The date the tests were performed, the laboratory results, and the method employed.
 - 4) Syphilis, gonorrhea and chlamydia laboratory reports in cities having a population of 500,000 or over shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:
 - A) The individual's name, address, telephone number, age, race/ethnicity, sex, marital status, or patient code number as provided by the physician or other person who submitted the specimen for testing by a laboratory,
 - B) The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks), and
 - C) The date the test was performed, the laboratory results, and the method employed.
 - 5) In addition to the above reporting requirements:
 - A) If the subject of the test is under eleven (11) years of age, any reactive or positive test results shall be reported to the Department by telephone immediately or as soon as

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procedures, and

- 6) Each AIDS related diagnosed successive, opportunistic disease (e.g. Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction.

e) A Local Health Authority shall forward to the Department a copy of each HIV report which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such report.

f) A Local Health Authority or Designated Agency shall submit to the Department, on forms supplied by the Department, summary information on the reportable laboratory results for syphilis, gonorrhea and chlamydia which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such results.

g) A Local Health Authority or Designated Agency which receives a syphilis laboratory report with a patient code number shall contact the test subject's physician for information identifying that individual, within twenty-four (24) hours after receiving such report. The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority or Designated Agency.

h) A Local Health Authority which receives an HIV laboratory report from a physician, laboratory or blood bank for an individual age three through twenty-one shall contact the physician listed in the report to obtain the individual's name and address, in order to comply with Section 697.400 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority. The physician shall provide this information to the Local Health Authority or the Department unless the test subject is not enrolled in a public or private primary or secondary school. The physician shall contact the Local Health Authority or the Department if the physician learns that the test subject has enrolled in school at any subsequent date.

(Source: Amended at 16 Ill. Reg. 5921 effective March 30, 1992)

Section 693.40 Contact Interview and Investigation

a) A Local Health Authority, Designated Agency or the Department, where applicable, shall initiate the contact interview and investigation process under any either of the following circumstances:

- 1) Upon receipt of an STD report from a physician, or
- 2) When the Local Health Authority, Designated Agency or the Department knows or has reason to know, based on medical or epidemiologic information, that a person within its jurisdiction may be infected with or have been exposed to an STD or HIV, or
- 3) For reports of health care providers with AIDS received by the Department prior to October 4, 1991, the Department shall interview and investigate such cases in priority order

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Department business hours permit, at 800/252/-8989,

- B) If any culture that is positive for gonorrhea is determined to be resistant to antibiotics, the test results shall be reported by telephone immediately, or as soon as business hours permit, to the Local Health Authority, Designated Agency or the Department, as appropriate,

C) Every laboratory and blood bank shall report the total number of tests performed for STDs each week. Such report shall be made to the local health authority, designated agency or the Department, as appropriate.

C) All persons required to report pursuant to this Part shall maintain the strict confidentiality of all information and records relating to known or suspected cases of STDs in accordance with Section 693.100 and 77 Ill. Adm. Code 697.140.

d) For each report of AIDS which it receives, pursuant to the provisions of this Section, a Local Health Authority shall complete the "AIDS Confidential Case Report" (or "Pediatric Confidential Case Report" for children under 13 years) which are forms developed by the Centers for Disease Control ("CDC"), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009. The Local Health Authority shall forward a copy of this CDC report to the Department's AIDS Registry System, within seven (7) days after receiving the original AIDS report (See Section 697.210 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)). The "AIDS Confidential Case Report" shall contain the following information, as available:

- 1) Basic Patient Information: Patient's name, address, telephone number, date of birth, age at diagnosis, current status (date of death), sex, race/ethnicity, county of birth, residence at onset of illness suggestive of AIDS, hospital where diagnosis of AIDS was established;
- 2) Social and risk factors to AIDS;
- 3) Information concerning the presence and method of diagnosis of diseases indicative of AIDS;
- 4) Laboratory results on HIV serum antibody tests, HIV detection tests or diagnosis of other reason(s) for immunological dysfunction;
- 5) Other pertinent information concerning the case including:
 - A) Information on units of blood donated or received by the patient; and
 - B) Whether the individual has had any invasive procedures performed on him or her and, if so:
 - i) the types of invasive procedures, and
 - ii) the name(s), address(es) and telephone number(s) of the health care provider(s) who performed those invasive procedures;
 - C) Whether the individual is a health care provider and, if so:
 - i) the type of health care provider, and
 - ii) whether the individual has performed invasive

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established by the Department, and provide appropriate contact notification, in accordance with the provisions of Section 693.40(b)(3)(B)(i) through (ix) of this Part. The Department shall interview the health care provider or the provider's estate. Coworkers, family members or others may be interviewed, if necessary, to determine the risk of transmission or to identify contacts.

b) For cases of AIDS or HIV infection, the contact interview and investigation process shall include the following:

1) Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included instruction in the following:

- A) The etiology and transmission of HIV, including associated risk behavior and activities, and patient profiles of persons at significant risk of HIV infection;
- B) The natural history and progression of HIV infection;
- C) Methods for preventing transmission of HIV infection;
- D) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV infected persons, and critiqued role playing, psychologic assessment and crisis intervention;
- E) Principles and techniques of contact investigation and referral; and
- F) Principles of communicable diseases.

2) For the interview and investigation process concerning sex and needle sharing contacts:

A)2) All cases of AIDS or HIV infection identified to health authorities shall be offered the assistance of health professionals in locating and referring sex and needle sharing contacts for counseling and testing, with the consent of the infected person. All persons refusing such assistance shall be strongly encouraged to notify their previous sex and needle sharing contacts of their possible exposure to HIV, and to refer such contacts for counseling and testing.

B)3) Cases of AIDS or HIV infection shall be asked to identify their sex and needle-sharing contacts for the preceding twelve month period. The counselor shall discuss the specific nature of each contact with the client to determine the likelihood of HIV transmission based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors.

C)4) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor, based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted on contacts for whom sufficient information to identify the

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person is available, such as first and last name, street address or telephone number.

D)5) The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based again on the counselor's professional judgement), except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:

- i)A) are aware of having engaged in behavior likely to result in exposure and/or;
- ii)B) are knowledgeable about the types of behavior carrying such risks.

E)6) Persons choosing to self-refer their contacts shall receive intensive individualized instruction and counseling in methods to provide this notification and referral.

F)7) Contacts to persons with HIV infection, identified through the contact interview and investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection, methods to prevent the spread of the infection, and services available from public health agencies. Such persons shall also be offered testing to determine infection status.

G)8) If such person is legally unable to agree to counseling due to age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If such person is legally able to agree to, but appears to be incapable of understanding and competently acting on such counseling, in the professional judgment of the counselor, participation in counseling shall be requested of a parent or other person chosen by the client.

H)9) All records regarding contacts to cases of AIDS or HIV infection, and all information collected in investigations of contacts to HIV infection shall be maintained until the Local Health Authority, Designated Agency or the Department is able to document that counseling has been provided to the contact or document that all attempts to locate the contact have been unsuccessful. In no case shall such records be maintained for a period to exceed six months. Such records shall be confidential and shall at all times be maintained in the same manner as those maintained for reported cases of AIDS. After six months, such records shall be destroyed completely by shredding or another form of obliteration. (See Section 693.100(c) and 77 Ill. Adm. Code 697.140.)

3) For the interview and investigation process concerning health care contacts:

A) Patients

- i) All cases in which the individual has had invasive procedures performed on him or her shall be provided

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in Section 693.45 of this Part;

viii) If the health care provider declines the opportunity to self-notify his or her patients, or fails to do so in accordance with the requirements of this Part, he or she shall provide the Department with complete and immediate access to any records which identify or may lead to the identification of his or her patients and the actual health care which was rendered. The Department shall review but shall not copy or seize the provider's records. The Department shall identify and notify in a timely manner all patients who received exposure-prone invasive procedures or have otherwise been determined by the Department to have been at risk for HIV transmission;

ix) The health care provider shall also be advised to discontinue performance of exposure-prone invasive procedures except in accordance with the recommendations of an expert review panel convened pursuant to the Centers for Disease Control's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(5) of this Part).

c) For cases of syphilis, gonorrhea or chlamydia, the contact interview and investigation process shall include the following:

- 1) Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included instruction in the following:
 - A) The etiology and transmission of STDs,
 - B) The natural history and progression of STD infection,
 - C) High or increased risk behavior and activities, including patient profiles of persons at significant risk for acquiring STDs,
 - D) Methods for preventing and treating STD infection,
 - E) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of STD patients, and critiqued role playing, and
 - F) Principles and techniques of contact investigation and referral.
- 2) All persons diagnosed with early syphilis or antibiotic-resistant gonorrhea or any person treated for gonorrhea at a clinic of the Local Health Department shall be interviewed by the Local Health Authority, Designated Agency or the Department, where applicable. "Early syphilis" means primary, secondary or early latent syphilis of less than one year's duration.
- 3) All persons diagnosed with chlamydia and persons diagnosed with gonorrhea in the private medical sector shall be interviewed as resources permit and within the discretion of the Local Health

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Authority, Designated Agency or Department, where applicable.

- 4) All cases interviewed shall be asked to provide the names and any available identifying information on their sex contacts. Persons refusing to name their sex contacts shall be strongly encouraged to self-refer such contacts for testing and treatment, if necessary.
- 5) Those contacts determined by the counselor to be at significant risk of infection, based on high or increased risk behavior and activities, shall be investigated.
- 6) Interviewing and counseling of STD cases and contacts shall be conducted in person, in a private manner, and shall be documented on epidemiologic records furnished by the Department.
- 7) Counselors shall follow the guidelines and standards described in Section 615.360(s) through (cc) of the Local Health Departments Program Standards Code (77 Ill. Adm. Code 615).
- 8) All records regarding cases of STDs, contacts to cases of STDs and all information collected in investigations and interviews pursuant to this Section shall be confidential, and shall at all times be maintained in the same manner as those maintained for reported cases of STDs.

(Source: Amended at 16 Ill. Reg. 5921, effective March 30, 1992)

Section 693.45 Notification of Health Care Contacts

- a) The Department shall develop a form letter, which shall be used by the Department to notify health care contacts pursuant to Sections 693.40 of this Part, and which shall be offered to individuals choosing to self-notify their health care contacts. The letter shall include a list of facilities where HIV counseling and testing is available, a copy of Public Act 87-763, information about HIV transmission and the HIV antibody test, and shall recommend that the recipient contact his or her personal physician or one of the counseling and testing facilities listed;
 - 1) For contacts who are patients, the letter shall identify the type of health care provider with whom the recipient had contact, without naming the specific health care provider;
 - 2) For contacts who are health care providers, the letter shall state that the recipient is believed to have performed an invasive procedure on a patient who has been reported to the Department as a case with AIDS, without naming the patient;
 - 3) The letter shall also advise the recipient as to applicable confidentiality requirements;
- b) Notification by the Department shall be made by first-class mail, with the envelope marked "confidential". Case subjects or their representatives choosing to self-notify shall be encouraged to utilize the same method and may use the Department's return address instead of their own;

c) Within 10 days after completing self-notification, the case subject or his or her representative shall submit a written, signed statement to the local health authority or the Department, whichever is applicable, describing the dates and methods of notification and the number of contacts notified, and including a copy of the notification letter, if different from the Department-generated form. Self-notification shall be completed within 45 days after the date on which the individual was advised by the Department or the Local Health Authority that notification was necessary.

Section 693.100 Confidentiality

a) All information and records held by the Department and its authorized representatives relating to known or suspected cases of sexually transmissible diseases shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act (Ill. Rev. Stat. 19879, ch. 116, par. 207, as amended by Section 11 of the Act.)

b) Such information shall not be released or made public by the Department or its authorized representatives, by a court or parties to a lawsuit upon revelation by subpoena or by a court conducting proceedings authorized by subsection (c) of Section 6 of the Act, except that release of such information may be made under the following circumstances:

- 1) When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act),
- 2) When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act),
- 3) When made to medical personnel, appropriate state agencies, such as the Department of Children and Family Services, or courts of appropriate jurisdiction to enforce the provisions of the Act and this part (Section 8(a)(3) of the Act),
- 4) When made to persons determined by the Department to be or have been at potential risk of HIV transmission pursuant to Section 5.5 of the Act (Section 8(a)(4) of the Act),
- 5) When authorized by the AIDS Registry System regulations (See 77 Ill. Adm. Code 697.210),
- 6) When authorized by the AIDS Confidentiality Act (See 77 Ill. Adm. Code 697.140),
- 7) When made to a school principal pursuant to Section 697.400 of the AIDS Confidentiality and Testing Code (See 77 Ill. Adm. Code 697.400),
- 8) When disclosure is made pursuant to a subpoena, such information shall be sealed by the court from further examination, except as deemed necessary by the court to reach a decision, unless

(Source: Added at 16 Ill. Reg. 5921, effective March 30, 1992)

c) A court hearing a request for the issuance of a warrant as authorized in subsection (c) of Section 6 of the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act.)

d) No employee of the Department or its authorized representatives shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined or treated for a sexually transmissible disease by the Department or its authorized representative pursuant to the provisions of the Act, or concerning the existence or contents of such reports received from a private physician or private health care facility, pursuant to the provisions of the Act, without the consent of the person examined and treated for such a disease, except in proceedings under Sections 6 and 7 of the Act. (Section 8(d) of the Act.)

e) All information and records held by the Department and Local Health Authorities pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department or Local Health Authorities, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances:

- 1) When disclosure is made with the written consent of all persons to whom this information pertains;
- 2) When authorized under Section 8 to be released under court order or subpoena pursuant to Section 12-16.2 of the Criminal Code of 1961; or
- 3) When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act. Such disclosure shall conform to the requirements of subsection (a) of Section 8 of the Act.
- f) Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)

(Source: Amended at 16 Ill. Reg. 5921, effective March 30, 1992)

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1) Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

2) Code Citation:

77 Ill. Adm. Code 790

3) Section Numbers:

Adopted Action:

790.40	Amendment
790.600	Amendment
790.799	Amendment
790.920	Amendment
790.1350	Amendment
790.1388	New Section
790.1950	Amendment
790.2485	Amendment
790.2580	Amendment
790.2603	Amendment
790.2613	Amendment
790.2805	Amendment
790.3027	Amendment
790.3910	Amendment
790.4040	Amendment
790.5180	Amendment
790.5312	Amendment
790.5320	Amendment
790.5380	Amendment
790.5640	Amendment
790.6370	Amendment
790.7828	Amendment
790.8580	Amendment
790.9048	Amendment
790.9050	Amendment
790.9100	Amendment

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 4145).

5) Effective Date of Rules: March 30, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? No

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7) Does this Rulemaking Contain Any Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: March 14, 1992

9) Date Notice(s) of Proposal was Published in Illinois Register:

November 18, 1991 - 15 Ill. Reg. 15943.

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

Section 790.5792 was erroneously omitted from the Notice of Emergency Amendments and from the Notice of Proposed Amendments filed at 15 Ill. Reg. 15943. The text changes were included in the original rulemaking.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were suggested by the Joint Committee on Administrative Rules.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes.

14) Are there any other Amendments Pending on this Part? Yes

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
790.480	Amendment	16 Ill. Reg. 4782
790.500	Amendment	16 Ill. Reg. 4782
790.540	Amendment	16 Ill. Reg. 4782
790.548	Amendment	16 Ill. Reg. 4782
790.580	Amendment	16 Ill. Reg. 4782
790.600	Amendment	16 Ill. Reg. 4782
790.620	Amendment	16 Ill. Reg. 4782
790.660	Amendment	16 Ill. Reg. 4782
790.700	Amendment	16 Ill. Reg. 4782
790.706	Amendment	16 Ill. Reg. 4782
790.721	Amendment	16 Ill. Reg. 4782
790.740	Amendment	16 Ill. Reg. 4782
790.760	Amendment	16 Ill. Reg. 4782
790.780	Amendment	16 Ill. Reg. 4782
790.788	Amendment	16 Ill. Reg. 4782
790.799	Amendment	16 Ill. Reg. 4782

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790.4180	Amendment	16 Ill. Reg. 4782
790.4220	Amendment	16 Ill. Reg. 4782
790.4260	Amendment	16 Ill. Reg. 4782
790.4300	Amendment	16 Ill. Reg. 4782
790.4385	Amendment	16 Ill. Reg. 4782
790.4386	Amendment	16 Ill. Reg. 4782
790.4396	Amendment	16 Ill. Reg. 4782
790.4398	Amendment	16 Ill. Reg. 4782
790.4420	Amendment	16 Ill. Reg. 4782
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790.4620	Amendment	16 Ill. Reg. 4782
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790.5100	Amendment	16 Ill. Reg. 4782
790.5140	Amendment	16 Ill. Reg. 4782
790.5180	Amendment	16 Ill. Reg. 4782
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790.5540	Amendment	16 Ill. Reg. 4782
790.5544	Amendment	16 Ill. Reg. 4782
790.5620	Amendment	16 Ill. Reg. 4782
790.5700	Amendment	16 Ill. Reg. 4782
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790.5788	New Section	16 Ill. Reg. 4782
790.5792	Amendment	16 Ill. Reg. 4782
790.5802	Amendment	16 Ill. Reg. 4782
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790.5830	Amendment	16 Ill. Reg. 4782
790.5872	Amendment	16 Ill. Reg. 4782
790.5900	Amendment	16 Ill. Reg. 4782
790.5940	Amendment	16 Ill. Reg. 4782
790.5980	Amendment	16 Ill. Reg. 4782
790.6020	Repealer	16 Ill. Reg. 4782
790.6140	Amendment	16 Ill. Reg. 4782
790.6180	Amendment	16 Ill. Reg. 4782
790.6260	Amendment	16 Ill. Reg. 4782
790.6275	Amendment	16 Ill. Reg. 4782
790.6277	Amendment	16 Ill. Reg. 4782
790.6280	Repealer	16 Ill. Reg. 4782
790.6300	Amendment	16 Ill. Reg. 4782
790.6340	Amendment	16 Ill. Reg. 4782
790.6370	Amendment	16 Ill. Reg. 4782
790.6375	Amendment	16 Ill. Reg. 4782
790.6420	Amendment	16 Ill. Reg. 4782
790.6452	Amendment	16 Ill. Reg. 4782
790.6456	Amendment	16 Ill. Reg. 4782
790.6460	Amendment	16 Ill. Reg. 4782
790.6480	Amendment	16 Ill. Reg. 4782
790.6500	Amendment	16 Ill. Reg. 4782
790.6540	Amendment	16 Ill. Reg. 4782
790.6570	Repealer	16 Ill. Reg. 4782
790.6580	Amendment	16 Ill. Reg. 4782
790.6670	Amendment	16 Ill. Reg. 4782
790.6780	Amendment	16 Ill. Reg. 4782
790.6800	Amendment	16 Ill. Reg. 4782
790.6820	Amendment	16 Ill. Reg. 4782
790.6860	Amendment	16 Ill. Reg. 4782
790.6875	Amendment	16 Ill. Reg. 4782
790.6885	Amendment	16 Ill. Reg. 4782
790.6895	Amendment	16 Ill. Reg. 4782
790.6940	Amendment	16 Ill. Reg. 4782
790.6960	Amendment	16 Ill. Reg. 4782
790.6980	Amendment	16 Ill. Reg. 4782
790.7100	Amendment	16 Ill. Reg. 4782
790.7120	Amendment	16 Ill. Reg. 4782
790.7130	Amendment	16 Ill. Reg. 4782
790.7140	Amendment	16 Ill. Reg. 4782
790.7180	Amendment	16 Ill. Reg. 4782
790.7229	Amendment	16 Ill. Reg. 4782
790.7260	Amendment	16 Ill. Reg. 4782
790.7263	New Section	16 Ill. Reg. 4782
790.7265	Amendment	16 Ill. Reg. 4782
790.7280	Amendment	16 Ill. Reg. 4782
790.7291	Amendment	16 Ill. Reg. 4782

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

Amendment	790.9300	16 111. Reg. 4782
Amendment	790.9340	16 111. Reg. 4782
Amendment	790.9380	16 111. Reg. 4782
Amendment	790.9420	16 111. Reg. 4782
Amendment	790.9460	16 111. Reg. 4782
Amendment	790.9500	16 111. Reg. 4782
Amendment	790.9520	16 111. Reg. 4782
Amendment	790.9530	16 111. Reg. 4782
Amendment	790.9580	16 111. Reg. 4782

There is still an emergency in effect on Sections 790.600, 790.799, 790.1350, 790.1388, 790.1950, 790.2580, 790.2613, 790.3910, 790.4040, 790.5180, 790.5312, 790.5380, 790.5792, 790.6370, 790.7828, 790.8580, 790.9048 and 790.9100 which is not affected by this set of adopted amendments. The emergency amendments appear at 16 111. Reg. 4899, effective March 14, 1992, for a maximum of 150 days. The copies filed in the Administrative Code Unit reflect both the emergency amendments and these adopted amendments.

15) Summary and Purpose of Rules:

The Department proposes to amend various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes were published in the Twelfth Edition, Second Supplement of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these changes were published in the Illinois Register as emergency amendments, effective October 25, 1991.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail Devito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Springfield, Illinois 62761, 217/782-6187.

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

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

Amendment	790.7296	16 111. Reg. 4782	Amendment	790.9260
Amendment	790.7380	16 111. Reg. 4782	Amendment	790.9220
Amendment	790.7400	16 111. Reg. 4782	Amendment	790.9180
Amendment	790.7420	16 111. Reg. 4782	Amendment	790.9140
Amendment	790.7500	16 111. Reg. 4782	Amendment	790.9100
Amendment	790.7510	16 111. Reg. 4782	Amendment	790.9084
Amendment	790.7540	16 111. Reg. 4782	Amendment	790.9060
Amendment	790.7580	16 111. Reg. 4782	Amendment	790.9056
Amendment	790.7700	16 111. Reg. 4782	Amendment	790.9048
Amendment	790.7740	16 111. Reg. 4782	Amendment	790.9045
Amendment	790.7820	16 111. Reg. 4782	Amendment	790.9035
Amendment	790.7828	16 111. Reg. 4782	Amendment	790.9020
Amendment	790.7834	16 111. Reg. 4782	Amendment	790.8980
Amendment	790.7860	16 111. Reg. 4782	Amendment	790.8940
Amendment	790.7940	16 111. Reg. 4782	Amendment	790.8900
Amendment	790.7980	16 111. Reg. 4782	Amendment	790.8820
Amendment	790.8015	16 111. Reg. 4782	Amendment	790.8780
Amendment	790.8020	16 111. Reg. 4782	Amendment	790.8740
Amendment	790.8106	16 111. Reg. 4782	Amendment	790.8724
Amendment	790.8136	16 111. Reg. 4782	Amendment	790.8710
Amendment	790.8248	16 111. Reg. 4782	Amendment	790.8700
Amendment	790.8300	16 111. Reg. 4782	Amendment	790.8620
Amendment	790.8420	16 111. Reg. 4782	Amendment	790.8580
Amendment	790.8540	16 111. Reg. 4782	Amendment	790.8540
Amendment	790.8620	16 111. Reg. 4782	Amendment	790.8500
Amendment	790.8700	16 111. Reg. 4782	Amendment	790.8420
Amendment	790.8710	16 111. Reg. 4782	Amendment	790.8300
Amendment	790.8724	16 111. Reg. 4782	Amendment	790.8248
Amendment	790.8740	16 111. Reg. 4782	Amendment	790.8136
Amendment	790.8780	16 111. Reg. 4782	Amendment	790.8106
Amendment	790.8820	16 111. Reg. 4782	Amendment	790.8020
Amendment	790.8900	16 111. Reg. 4782	Amendment	790.8015
Amendment	790.8940	16 111. Reg. 4782	Amendment	790.7980
Amendment	790.8980	16 111. Reg. 4782	Amendment	790.7940
Amendment	790.9035	16 111. Reg. 4782	Amendment	790.7860
Amendment	790.9045	16 111. Reg. 4782	Amendment	790.7834
Amendment	790.9048	16 111. Reg. 4782	Amendment	790.7828
Amendment	790.9056	16 111. Reg. 4782	Amendment	790.7820
Amendment	790.9060	16 111. Reg. 4782	Amendment	790.7740
Amendment	790.9084	16 111. Reg. 4782	Amendment	790.7700
Amendment	790.9100	16 111. Reg. 4782	Amendment	790.7580
Amendment	790.9140	16 111. Reg. 4782	Amendment	790.7540
Amendment	790.9180	16 111. Reg. 4782	Amendment	790.7510
Amendment	790.9220	16 111. Reg. 4782	Amendment	790.7420
Amendment	790.9260	16 111. Reg. 4782	Amendment	790.7400

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790
THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
790.20	Introduction
790.40	Consideration of Drug Products for Inclusion in the Illinois Formulary
790.60	Additional Criteria
790.80	Quality Listing
790.100	Generic Drug Entity Headings
790.120	Comments and Specific Administration
790.140	Requests for Additional Copies
790.160	Prescription Use of Drug Products
790.180	FDA Drug Product Approval and Recommendation
790.200	Availability of Drug Products; Pharmaceutical Equivalence
790.220	Single Source Drug Products Exclusion
790.240	Criteria for Exclusion of Drug Products
790.260	Inclusion of Controlled Substances
790.280	Equivalence of Products Requirements
790.300	Selection of Equivalent Drug Products
790.320	Transfer of Prescription Records

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

Section	
790.420	ACETAMINOPHEN; BUTALBITAL
790.460	ACETAMINOPHEN; BUTALBITAL; CAFFEINE
790.480	ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE
790.500	ACETAMINOPHEN; CODEINE PHOSPHATE
790.540	ACETAMINOPHEN; HYDROCODONE BITARTRATE
790.548	ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE
790.580	ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE
790.600	ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE
790.620	ACETAZOLAMIDE
790.630	ACETAZOLAMIDE SODIUM
790.660	ACETIC ACID, GLACIAL
790.700	ACETIC ACID, GLACIAL; HYDROCORTISONE
790.706	ACETOHEXAMIDE
790.721	ACETYLCYSTEINE
790.740	ALBUTEROL SULFATE
790.756	ALCOHOL; DEXTROSE
790.760	ALCOHOL; MORPHINE

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790.780	ALLOPURINOL
790.788	AMANTADINE HYDROCHLORIDE
790.798	AMILORIDE HYDROCHLORIDE
790.799	AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
790.815	AMINOACETIC ACID (Repealed)
790.820	AMINOCAPROIC ACID
790.830	AMINOHIPPURATE SODIUM
790.860	AMINOPHYLLINE
790.900	AMITRIPTYLINE HYDROCHLORIDE
790.905	AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE
790.910	AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE
790.920	AMOXAPINE
790.940	AMOXICILLIN TRIHYDRATE
790.974	AMPHOTERICIN B
790.980	AMPICILLIN SODIUM
790.1020	AMPICILLIN; PROBENECID
790.1060	AMPICILLIN/AMPICILLIN TRIHYDRATE
790.1100	ANISOTROPINE METHYLBROMIDE (Repealed)
790.1107	ANTAZOLINE PHOSPHATE; NAPHAZOLINE HYDROCHLORIDE
790.1112	ANTIPYRINE; BENZOCAINE
790.1120	ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL; ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN E
790.1125	ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E
790.1127	ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E
790.1129	ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D
790.1131	ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D
790.1140	ASPIRIN; BUTALBITAL; CAFFEINE
790.1180	ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)
790.1200	ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE
790.1220	ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.1260	ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.1300	ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE
790.1345	ASPIRIN; CARISOPRODOL
790.1350	ASPIRIN; CODEINE PHOSPHATE
790.1360	ASPIRIN; MeproBAMATE
790.1380	ASPIRIN; METHOCARBAMOL
790.1386	ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE
790.1388	ATENOLOL
790.1390	ATENOLOL; CHLORTHALIDONE
790.1418	ATROPINE SULFATE
790.1420	ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE
790.1423	ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE HYDROBROMIDE
790.1425	ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

790.2900 CYPROHEPTADINE HYDROCHLORIDE
790.2902 CYTARABINE
790.2904 DACARBAZINE
790.2908 DANA ZOL (Repealed)
790.2915 DAUNORUBICIN HYDROCHLORIDE
790.2928 DESIPRAMINE HYDROCHLORIDE (Repealed)
790.2932 DESONIDE
790.2940 DEXAMETHASONE
790.2980 DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.3020 DEXAMETHASONE SODIUM PHOSPHATE
790.3021 DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE
790.3023 DEXCHLORPHENIRAMINE MALEATE
790.3025 DEXTROAMPHETAMINE SULFATE
790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL
790.3028 DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE
790.3029 DEXTROSE
790.3030 DEXTROSE; DOPAMINE HYDROCHLORIDE
790.3032 DEXTROSE; HEPARIN SODIUM
790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE
790.3038 DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE;
SODIUM CHLORIDE; SODIUM GLUCONATE
790.3042 DEXTROSE; POTASSIUM CHLORIDE
790.3048 DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
790.3049 DEXTROSE; SODIUM CHLORIDE
790.3051 DEXTROSE; THEOPHYLLINE
790.3054 DIAZEPAM
790.3056 DIAZOXIDE
790.3060 DICLOXACILLIN SODIUM
790.3085 DICYCLOMINE HYDROCHLORIDE
790.3100 DIENESTROL
790.3140 DIETHYLPROPION HYDROCHLORIDE
790.3180 DIETHYLSTILBESTROL
790.3220 DIGOXIN
790.3260 DIMENHYDRINATE
790.3300 DIPHENHYDRAMINE HYDROCHLORIDE
790.3308 DIPYRIDAMOLE
790.3315 DISOPYRAMIDE PHOSPHATE
790.3335 DOPAMINE HYDROCHLORIDE
790.3340 DOXEPIN HYDROCHLORIDE
790.3350 DOXORUBICIN HYDROCHLORIDE
790.3380 DOXYCYCLINE
790.3420 DOXYCYCLINE HYCLATE
790.3425 DOXYLAMINE SUCCINATE
790.3437 DROPERIDOL
790.3440 DROPERIDOL; FENTANYL CITRATE
790.3460 ECHOTHIOPHATE IODIDE (Repealed)
790.3472 EDETATE DISODIUM
790.3475 EDROPHONIUM CHLORIDE
790.3488 EPINEPHRINE HYDROCHLORIDE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE
790.3500 ERGOCALCIFEROL
790.3540 ERGOLOID MESYLATES
790.3580 ERGOTAMINE TARTRATE
790.3620 ERYTHROMYCIN
790.3660 ERYTHROMYCIN ESTOLATE
790.3700 ERYTHROMYCIN ETHYLSUCCINATE
790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULFISOXAZOLE ACETYL
790.3730 ERYTHROMYCIN LACTOBIONATE
790.3740 ERYTHROMYCIN STEARATE
790.3742 ERYTHROMYCIN STEARATE
790.3780 ESTRADIOL CYPIONATE
792.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE
790.3820 ESTRADIOL VALERATE
790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE
790.3900 ETHCHLORVYNOL
790.3904 ETHINYL ESTRADIOL; LEVONORGESTREL
790.3907 ETHINYL ESTRADIOL; NORETHINDRONE
790.3910 FENOPROFEN CALCIUM
790.3914 FENTANYL CITRATE
790.3920 FLOXURIDINE
790.3940 FLUOCINOLONE ACETONIDE
790.3945 FLUOCINONIDE
790.3960 FLUOROMETHOLONE
790.3980 FLUOROURACIL
790.3996 FLUPHENAZINE DECANOATE
790.4012 FLUPHENAZINE HYDROCHLORIDE
790.4020 FLURANDRENOLIDE
790.4040 FLURAZEPAM HYDROCHLORIDE
790.4060 FOLIC ACID
790.4100 FUROSEMIDE
790.4140 GENTAMICIN SULFATE
790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE
790.4173 GLUCAGON HYDROCHLORIDE
790.4180 GLUTETHIMIDE
790.4200 GLYCINE
790.4220 GLYCOPYRROLATE
790.4260 GONADOTROPIN CHORIONIC
790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.4340 GRISEOFULVIN MICROCRYSTALLINE
790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE
790.4384 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE
790.4385 GUAIFENESIN; THEOPHYLLINE
790.4386 GUANETHIDINE MONOSULFATE
790.4396 HALOPERIDOL
790.4398 HALOPERIDOL LACTATE
790.4420 HEPARIN SODIUM
790.4430 HEPARIN SODIUM; SODIUM CHLORIDE
790.4460 HEXACHLOROPHENE

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790.5620	LIDOCaine HYDROCHLORIDE
790.5640	LINCOMYCIN
790.5660	LINDANE
790.5700	LIOthyRONINE SODIUM
790.5720	LISINAPRIL
790.5740	LITHIUM CARBONATE
790.5780	LITHIUM CITRATE
790.5792	LORAZEPAM
790.5795	LOXAPINE SUCCINATE
790.5800	MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE
790.5802	MANNITOL
790.5807	MARPROTILINE HYDROCHLORIDE
790.5820	MECILIZINE HYDROCHLORIDE
790.5830	MECLOFENAMATE SODIUM
790.5835	MEDROXYPROGESTERONE ACETATE
790.5837	MEFENAMIC ACID (Repealed)
790.5840	MEGESTROL ACETATE
790.5860	MENADIOL SODIUM PHOSPHATE
790.5872	MEPERIDINE HYDROCHLORIDE
790.5893	MEPIVICAINE HYDROCHLORIDE
790.5900	MEPROBAMATE
790.5924	MESTRANOL; NORETHINDRONE
790.5940	METAPROTERENOL SULFATE
790.5980	METARAMINOL BITARTRATE
790.5992	METHADONE HYDROCHLORIDE
790.5996	METHAMPHETAMINE HYDROCHLORIDE
790.6020	METHIDILAZINE HYDROCHLORIDE
790.6060	METHENAMINE HIPPURATE
790.6100	METHICILLIN SODIUM
790.6140	METHOCARBAMOL
790.6180	METHOTREXATE SODIUM
790.6220	METHOSCOPOLAMINE BROMIDE
790.6260	METHYCLOTHIAZIDE
790.6275	METHYLDOPA
790.6277	METHYLDOPATE HYDROCHLORIDE
790.6280	METHYLPHENIDATE HYDROCHLORIDE
790.6284	METHYLPREDNISOLONE
790.6300	METHYLPREDNISOLONE SODIUM SUCCINATE
790.6340	METHYLTESTOSTERONE
790.6370	METOCLOPRAMIDE HYDROCHLORIDE
790.6375	METOCURINE IODIDE
790.6380	METOLAZONE
790.6420	METRONIDAZOLE
790.6430	MINOCYCLINE
790.6435	MINOXIDIL
790.6445	MORPHINE SULFATE
790.6450	NARCILLIN SODIUM
790.6452	NALBUPHINE HYDROCHLORIDE

DEPARTMENT OF PUBLIC HEALTH

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790.4495	HOMATROPINE HYDROBROMIDE
790.4500	HOMATROPINE METHYLBROMIDE (Repealed)
790.4540	HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE
790.4580	HYDRALAZINE HYDROCHLORIDE
790.4620	HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
790.4660	HYDROCHLOROTHIAZIDE
790.4665	HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE
790.4667	HYDROCHLOROTHIAZIDE; LISINAPRIL
790.4670	HYDROCHLOROTHIAZIDE; METHYLDOPA
790.4680	HYDROCHLOROTHIAZIDE; PROPANOLOL HYDROCHLORIDE
790.4700	HYDROCHLOROTHIAZIDE; SPIRONOLACTONE
790.4720	HYDROCHLOROTHIAZIDE; TRIAMTERENE
790.4725	HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
790.4728	HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE
790.4740	HYDROCORTISONE
790.4780	HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.4820	HYDROCORTISONE; POLYMYXIN B SULFATE
790.4840	HYDROCORTISONE SODIUM PHOSPHATE
790.4860	HYDROCORTISONE; UREA
790.4900	HYDROCORTISONE ACETATE
790.4940	HYDROCORTISONE ACETATE; NEOMYCIN SULFATE
790.4960	HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE
790.4963	HYDROCORTISONE ACETATE; UREA
790.4965	HYDROCORTISONE BUTYRATE
790.4980	HYDROCORTISONE SODIUM SUCCINATE
790.5020	HYDROFLUMETHIAZIDE
790.5030	HYDROMORPHONE INJECTION
790.5060	HYDROXOCOBALAMIN
790.5100	HYDROXYPROGESTERONE CAPROATE
790.5140	HYDROXYZINE HYDROCHLORIDE
790.5180	HYDROXYZINE PAMATE
790.5220	IBUPROFEN
790.5260	IDOXURIDINE
790.5300	IMIPRAMINE HYDROCHLORIDE
790.5312	INDOMETHACIN
790.5320	IODINATED GLYCEROL
790.5340	IRON DEXTRAN COMPLEX
790.5380	ISOETHARINE HYDROCHLORIDE
790.5420	ISONIAZID
790.5460	ISOPROTERENOL HYDROCHLORIDE
790.5483	ISOSORBIDE DINITRATE
790.5500	KANAMYCIN SULFATE
790.5520	KETAMINE HYDROCHLORIDE
790.5530	LABETALOL HYDROCHLORIDE
790.5540	LACTULOSE
790.5544	LEUCOVORIN CALCIUM
790.5555	LEVOCARNITINE
790.5560	LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE
790.5580	LIDOCaine

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790.6454 NALIDIXIC ACID
 790.6456 NALOXONE HYDROCHLORIDE
 790.6460 NANDROLONE DECANOATE
 790.6480 NANDROLONE PHENPROPIONATE
 790.6500 NAPHAZOLINE HYDROCHLORIDE
 790.6505 NAPHAZOLINE HYDROCHLORIDE; PHENIRAMINE MALEATE
 790.6540 NEOMYCIN SULFATE
 790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE
 790.6580 NIACIN
 790.6610 NIFEDIPINE
 790.6620 NITROFURANTOIN
 790.6621 NITROFURANTOIN MACROCRYSTALS
 790.6660 NITROFURAZONE
 790.6670 NITROGLYCERIN INJECTION
 790.6700 NORETHINDRONE ACETATE
 790.6740 NORTRIPTYLINE HYDROCHLORIDE
 790.6780 NYSTATIN
 790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE
 790.6820 ORPHENADRINE CITRATE
 790.6860 OXACILLIN SODIUM
 790.6875 OXAZEPAM
 790.6885 OXTRIPHYLLINE
 790.6895 OXYBUTYNIN
 790.6900 OXYPHENBUTAZONE (Repealed)
 790.6940 OXYTETRACYCLINE HYDROCHLORIDE
 790.6946 OKYTOCIN
 790.6960 PANCURONIUM BROMIDE
 790.6980 PENICILLIN G POTASSIUM
 790.7020 PENICILLIN G PROCAINE
 790.7060 PENICILLIN G SODIUM (Repealed)
 790.7100 PENICILLIN V POTASSIUM
 790.7120 PENTOBARBITAL SODIUM
 790.7130 PERPHENAZINE
 790.7140 PHENDIMETRAZINE TARTRATE
 790.7160 PHENOBARBITAL
 790.7180 PHENTERMINE HYDROCHLORIDE
 790.7181 PHENTERMINE RESIN COMPLEX
 790.7220 PHENYLBUTAZONE (Repealed)
 790.7221 PHENYLEPHRINE HYDROCHLORIDE
 790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE
 790.7229 PHENYTOIN SODIUM INJECTION
 790.7245 PILOCARPINE HYDROCHLORIDE
 790.7260 PIPERAZINE CITRATE
 790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE;
 SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS
 790.7272 POLYMYXIN B SULFATE
 790.7278 POTASSIUM BICARBONATE
 790.7280 POTASSIUM CHLORIDE

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790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.7288 POTASSIUM GLUCONATE
 790.7291 PRALIDOXIME CHLORIDE
 790.7294 PRAZEPAM (Repealed)
 790.7296 PRAZOSIN HYDROCHLORIDE
 790.7300 PREDNISOLONE ACETATE
 790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM
 790.7380 PREDNISOLONE SODIUM PHOSPHATE
 790.7400 PREDNISONE
 790.7420 PRIMIDONE
 790.7460 PROBENECID
 790.7500 PROCAINAMIDE HYDROCHLORIDE
 790.7510 PROCAINE HYDROCHLORIDE
 790.7540 PROCHLORPERAZINE EDISYLATE
 790.7580 PROCHLORPERAZINE MALEATE
 790.7620 PROGESTERONE
 790.7660 PROMAZINE HYDROCHLORIDE
 790.7700 PROMETHAZINE HYDROCHLORIDE
 790.7740 PROPANTHELINE BROMIDE
 790.7780 PROPARACAINE HYDROCHLORIDE
 790.7820 PROPOXYPHENE HYDROCHLORIDE
 790.7828 PROPANOLOL HYDROCHLORIDE
 790.7834 PROTAMINE SULFATE
 790.7860 PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE
 790.7900 PYRIDOSTIGMINE BROMIDE
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 790.7980 PYRILAMINE MALEATE
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 790.8020 QUINIDINE SULFATE
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 790.8106 RITODRINE HYDROCHLORIDE
 790.8136 SECOBARBITAL SODIUM
 790.8140 SELENIUM SULFIDE
 790.8180 SILVER SULFADIAZINE
 790.8220 SODIUM AMINOSALICYLATE
 790.8232 SODIUM CHLORIDE
 790.8244 SODIUM LACTATE
 790.8248 SODIUM NITROPRUSSIDE (Repealed)
 790.8260 SODIUM POLYSTYRENE SULFONATE
 790.8290 SOYBEAN OIL
 790.8300 SPIRONOLACTONE
 790.8340 STREPTOMYCIN SULFATE
 790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE
 790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA
 790.8420 SULFACETAMIDE SODIUM
 790.8460 SULFADIAZINE
 790.8500 SULFAMETHIZOLE
 790.8540 SULFAMETHOXAZOLE

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DEPARTMENT OF PUBLIC HEALTH

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days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990; emergency amendment at 14 Ill. Reg. 13325, effective August 10, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17298, effective October 5, 1990; emergency amendment at 14 Ill. Reg. 18588, effective November 9, 1990; emergency expired April 8, 1991; amended at 14 Ill. Reg. 20755, effective December 21, 1990; emergency amendment at 15 Ill. Reg. 3537, effective March 8, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 6566, effective April 19, 1991; emergency amendment at 15 Ill. Reg. 11194, effective July 19, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11791, effective August 2, 1991; emergency amendment at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18697, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 4899, effective March 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 5941, effective March 30, 1992.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART A: GENERAL PROVISIONS

Section 790.40 Consideration of Drug Products for Inclusion in the Illinois Formulary

- a) Drug products for inclusion in the Illinois Formulary shall be approved and recommended to the Director, Illinois Department of Public Health, by a Technical Advisory Council composed of seven members, each of who has extensive experience in pharmaceutical affairs. Products for Council consideration shall be researched and presented by Departmental staff following consideration of recommendations by the Federal Food and Drug Administration (FDA), of recognized drug reference sources, of published research, and of qualified consultants.
- b) No product shall be considered for inclusion in the Illinois Formulary unless each individual dosage form, dosage strength and manufacturer has been recommended for drug product selection use by the FDA. Each product considered must be verified by the FDA as being marketed under currently approved drug applications, as meeting required manufacturing standards and chemical identity standards, and as being cleared of any issues involving the bioequivalence or bioavailability of the product. Prior to being sanctioned for DPS use, the product must pass FDA criteria specific for DPS approval which may be more stringent than that required for general marketing approval.
- c) Products in generic entities (as described in Section 790.100 of this Part) never previously reviewed in any manner shall be ineligible for consideration at Technical Advisory Council meetings if the products' FDA approval date is 30 or fewer days prior to the scheduled Technical Advisory Council meeting. Such entities initial review shall be deferred to the next scheduled Technical Advisory Council meeting.
- d) Manufacturers of products in generic entities never previously reviewed in any manner, or items under further consideration by the Technical Advisory Council, for whatever reason, shall comply with the following criteria to be allowed to address the Council:
 - 1) Eight copies of testimony and eight copies of any and all data upon which comment or reference to may be made, whether published or unpublished, shall be submitted, in writing, to the following address no later than 21 calendar days prior to the regularly scheduled quarterly meeting of the Technical Advisory Council.
 Administrator, Drug Product Selection Program
 Illinois Department of Public Health
 Office of Health Protection
 Division of Food, Drugs and Dairies
 525 W. Jefferson Street
 Springfield, Illinois 62761
 - 2) The Department shall notify all other manufacturers of products within a specific generic entity that a petition for review has been received within the time frame specified in this Section. Such manufacturers shall provide 8 copies of testimony and ei at

NOTICE OF ADOPTED AMENDMENT(S)

copies of any and all data upon which comment or reference to may be made, whether published or unpublished, in writing, to the Department within 14 days of the regularly scheduled meeting should they wish to make presentation on the specific issue at the Council meeting.

3) Each manufacturer shall be limited to a 20 minute presentation, irrespective of their number of speakers. Additional time shall be available to answer specific questions of the Technical Advisory Council members, if necessary.

e) Failure to comply with these criteria shall result in the exclusion of the speaker(s) from the agenda.

f) Exclusive indications and unique product packaging, whether patented or unpatented, do not constitute criteria for inclusion of a drug entity in the Illinois Formula.

(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

Section 790.600 ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE

ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE

DRUG

DOSAGE FORM, STRENGTH

MANUFACTURER

APPLICATION HOLDER,

tab 325mg;50mg	Barr	tab 325mg;50mg	Barr
tab 650mg;100mg	Barr	tab 650mg;100mg	Barr
tab 325mg;50mg	Barr	tab 325mg;50mg	Barr
tab 650mg;100mg	Barr	tab 650mg;100mg	Barr
tab 650mg;100mg	Bolar	tab 650mg;100mg	Bolar
tab 650mg;100mg	Bolar	tab 650mg;100mg	Bolar
tab 650mg;100mg	Cord	tab 650mg;100mg	Cord
tab 325mg;50mg	Halsey	tab 325mg;50mg	Halsey
tab 650mg;100mg	Halsey	tab 650mg;100mg	Halsey
tab 650mg;100mg	Lederle/Am Cyanamid	tab 650mg;100mg	Lederle/Am Cyanamid
tab 650mg;100mg	Mylan	tab 650mg;100mg	Mylan
tab 650mg;100mg	Purepac/Kalipharma	tab 650mg;100mg	Purepac/Kalipharma
tab 650mg;100mg	Superspharm	tab 650mg;100mg	Superspharm
tab 650mg;100mg	Zenith	tab 650mg;100mg	Zenith
tab 325mg;50mg	Lilly	tab 325mg;50mg	Lilly
tab 650mg;100mg	Lilly	tab 650mg;100mg	Lilly
tab 650mg;100mg	Lemmon	tab 650mg;100mg	Lemmon

(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)

Section 790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE

APPLICATION HOLDER,

NOTICE OF ADOPTED AMENDMENT(S)

AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE

DRUG

DOSAGE FORM, STRENGTH

MANUFACTURER

APPLICATION HOLDER,

tab 5mg;50mg	Barr	tab 5mg;50mg	Barr
tab 5mg;50mg	Biocraft	tab 5mg;50mg	Biocraft
tab 5mg;50mg	Royce Labs	tab 5mg;50mg	Royce Labs
tab 5mg;50mg	Hydro-ride	tab 5mg;50mg	Hydro-ride
tab 5mg;50mg	Par	tab 5mg;50mg	Par
tab 5mg;50mg	MSD/Merck	tab 5mg;50mg	MSD/Merck
Moduretic 5/50		Moduretic 5/50	

(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)

Section 790.920 AMOXAPINE

AMOXAPINE

DRUG

DOSAGE FORM, STRENGTH

MANUFACTURER

APPLICATION HOLDER,

tab 25,50,100,150mg	Geneva	tab 25,50,100,150mg	Geneva
tab 25,50,100,150mg	Watson	tab 25,50,100,150mg	Watson
tab 25,50,100,150mg	Asendin	tab 25,50,100,150mg	Asendin

(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)

Section 790.1350 ASPIRIN; CODRINE PHOSPHATE

ASPIRIN; CODRINE PHOSPHATE

DRUG

DOSAGE FORM, STRENGTH

MANUFACTURER

APPLICATION HOLDER,

tab 325mg;15,30,60mg	Barr	tab 325mg;15,30,60mg	Barr
tab 325mg;30,60mg	Zenith	tab 325mg;30,60mg	Zenith
Empirin w/Codaine #2,3,4		tab 325mg;15,30,60mg	Burrighs-Wellcome

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formula as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)

Section 790.1388 ATENOLOL

ATENOLOL

DRUG

DOSAGE FORM, STRENGTH

MANUFACTURER

APPLICATION HOLDER,

tab 50,100mg	IPR	tab 50,100mg	IPR
--------------	-----	--------------	-----

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NOTICE OF ADOPTED AMENDMENT(S)

Tenormin tab 50,100mg Imperial Chem
(Source: Added at 16 Ill. Reg. 5941, effective
March 30, 1992)

Section 790.1950 CARBINOXAMINE MALATE; DEXTROMETHORPHAN HYDROBROMIDE;
PSEUDOEPHEDRINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Carbinoxamine Maleate; Dextromethorphan Hydrobromide; Pseudoephedrine Hydrochloride Brand(s)	syr 4mg/5ml;15mg/5ml; 60mg/5ml syr 4mg/5ml;15mg/5mg; 60mg/5ml	Cord Pharmaceutical Basics
Carbofed DM Drops	drops 2mg/ml;4mg/ml; 25mg/ml	HiTech Pharmcal
Cardec DM Drops	drops 2mg/ml;4mg/ml; 25mg/ml	National Pharm/Barre
<u>E-Dec DM Drops</u>	<u>drops 2mg/ml; 4mg/ml; 25mg/ml</u>	<u>Esquire</u>
Rondec DM Drops	drops 2mg/ml;4mg/ml; 25mg/ml	Ross/Abbott
Carbofed DM Syrup	syr 4mg/5ml;15mg/5ml; 60mg/5ml	HiTech Pharmcal
Maldec DM Syrup	syr 4mg/5ml;15mg/5ml; 60mg/5ml	HR Cenci
Rondec DM Syrup	syr 4mg/5ml;15mg/5ml; 60mg/5ml	Ross/Abbott

*This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Amended at 16 Ill. Reg. 5941, effective
March 30, 1992)

Section 790.2485 CHLORPHENIRAMINE TANNATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorpheniramine Tannate; Phenylephrine Tannate; Pyrilamine Tannate	susp 2mg/5ml;5mg/5ml; 12.5mg/5ml	Ferndale

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Brand(s)
Histatan susp 2mg/5ml;5mg/5ml;
12.5mg/5ml LuChem
R-Tannate susp 2mg/5ml;5mg/5ml;
12.5mg/5ml Copley
Rynatan Pediatric susp 2mg/5ml;5mg/5ml;
12.5mg/5ml Wallace
(Source: Amended at 16 Ill. Reg. 5941, effective
March 30, 1992)

Section 790.2580 CHLORZOAZONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorzoxazone	tab 250mg tab 500mg @ tab 250mg tab 250,500mg tab 250,500mg tab 500mg tab 500mg tab 250mg tab 250,500mg tab 500mg	Amide Barr Chelsea Cord Danbury Lemmon Mutual Par Pioneer Royce Labs
Brands Paraflex Parafon Forte DSC Strifon Forte DSC	tab 250mg tab 500mg tab 500mg	McNeil McNeil Ferndale
(Source: Amended at 16 Ill. Reg. <u>5941</u> , effective March 30, 1992)		

Section 790.2603 CLINDAMYCIN HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Clindamycin Hydrochloride Brand(s) Cleocin	cap 75, 150mg <u>cap 75,150mg</u> cap 75, 150mg	Biocraft Danbury Upjohn
(Source: Amended at 16 Ill. Reg. <u>5941</u> , effective March 30, 1992)		

Section 790.2613 CLOFIBRATE

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Brand(s)
Dalmane cap 15,30mg Hoffmann-LaRoche
(Source: Amended at 16 Ill. Reg. 5941, effective
March 30, 1992)

Section 790.5180 HYDROXYZINE PAMOATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydroxyzine Pamoate	cap 25,50,100mg	Barr
	cap 25,50,100mg	Bolar
	cap 25,50mg	Chelsea
	cap 25,50,100mg	Danbury
	cap 25,50,100mg	Duramed
	cap 25,50,100mg	Geneva Pharm
	cap 25,50,100mg	Par
	cap 25,50,100mg	Superpharm
	cap 25,50mg	(Vanguard/MWM)
	cap 25,50mg	Zenith
Brand(s)		
Hy-Pam	cap 25,50mg	Vitarine
Vistaril	cap 25,50,100mg	Pfizer
(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)		

Section 790.5312 INDOMETHACIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Indomethacin	cap 25,50mg	Barr
	cap 25,50mg	Bolar
	cap 25,50mg	Chelsea
	cap 25,50mg	Cord
	cap 25,50mg	Danbury
	cap 25,50mg	Duramed
	cap 25,50mg	Halsey
	cap 25,50mg	Lederle
	cap 25,50mg	Mutual
	cap 25,50mg	Mylan
	cap 25,50mg	Novopharm
	cap 25,50mg	Par
	cap 25,50mg	Parke-Davis/W-L
	cap 25,50mg	Pioneer
	cap 25,50mg	Roxane
	cap 25,50mg	Sidmak

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cap 25,50mg Superpharm
cap 25,50mg Watson
@ cap 25,50mg Zenith
cap, sustained release, Forest/Inwood
75mg
susp 25mg/ml Roxane

Brand(s)	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Indo-Lemmon	cap 25,50mg	Lemmon
Indocin	cap 25,50mg	MSD/Merck
Indocin-SR	cap, sustained release, 75mg	MSD/Merck
Indocin	susp 25mg/5ml	MSD/Merck
(Source: Amended at 16 Ill. Reg. 5941, effective March 30, 1992)		

Section 790.5320 IODINATED GLYCEROL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Iodinated Glycerol	liq 60mg/5ml (30mg organically bound iodine)	Halsey
	liq 60mg/5ml (30mg organically bound iodine)	National Pharm/Barre
	liq 60mg/5ml (30mg organically bound iodine)	Pharmaceutical Basics
	soln 50mg/ml (25mg organically bound iodine)	National Pharm/Barre
Brand(s)		
Iogan	liq 60mg/5ml (30mg organically bound iodine)	HiTech Pharmacal
Iotuss	liq 60mg/5ml (30mg organically bound iodine)	HR Cenci
Organidin	liq 60mg/5ml (30mg organically bound iodine)	Organon/AkzonaWallace
Iogan Soln	soln 50mg/ml (25mg organically bound iodine)	HiTech Pharmacal
Iotuss Soln	soln 50mg/ml (25mg organically bound iodine)	HR Cenci

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

Proposed Action:

300.2420

Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) Effective Date of Rules:

March 27, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date: _____

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

March 27, 1992

9) Date Notice(s) of Proposal was Published in Illinois Register:

September 27, 1991 - 15 Ill. Reg. 14039

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes ___ No X

ADRIPT 10

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

If "yes," please complete the following: _____

A) Statement of Objection: _____ Ill. Reg. ___

B) Agency Response: _____ Ill. Reg. ___

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 300.2420(b)(2), line 5, the word "public" was deleted to clarify that the rule applies to facility residents and staff as well as visitors.
2. In Section 300.2420(b)(2), line 2, the words "resident bed in multiple bed rooms" were changed to "multiple-bed resident room" to clarify that rooms, rather than beds, are to be designed and equipped for privacy.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The word "Cubicle" was deleted in Section 300.2420(b).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ___ No X

14) Are there any other Amendments Pending on this Part? Yes X No ___

If Yes:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

Section Numbers Proposed Action Ill. Reg. Citation

300.110	Amendments	16 Ill. Reg. 2034
300.140	Amendments	16 Ill. Reg. 2034
300.150	Amendments	16 Ill. Reg. 2034
300.330	Amendments	16 Ill. Reg. 2034
300.630	Amendments	16 Ill. Reg. 2034
300.1010	Amendments	16 Ill. Reg. 2034
300.1220	Amendments	16 Ill. Reg. 2034
300.1240	Amendments	16 Ill. Reg. 2034
300.2070	Amendments	16 Ill. Reg. 2034
300.3060	Amendments	16 Ill. Reg. 2034
300.3100	Amendments	16 Ill. Reg. 2034
300.3310	Amendments	16 Ill. Reg. 2034
300.3710	Amendments	16 Ill. Reg. 2034
300.Appendix B	Repealer	16 Ill. Reg. 2034

(15) Summary and Purpose of Rules:

The requirements contained in this Part govern the licensure of skilled nursing and intermediate care facilities. Section 300.2420 establishes requirements for equipment and supplies, including suction machines, privacy screens, first-aid kits, and nurse call devices.

These amendments are being adopted to align the Department's rules more closely with corresponding federal regulations at 42 CFR 483.70 and to provide more options to facilities in meeting privacy requirements. In October of 1990, the Department amended Section 300.2420 to clarify that visual privacy must be provided by cubicle curtains in multiple bed rooms. The amendments also required that the curtains be on tracks. Since that time, the federal government has indicated that its requirements for "full visual privacy" can be met by alternatives to cubicle curtains, such as privacy screens.

By allowing facilities to use additional methods of achieving privacy, the Department will also ease the cost of compliance with the rules.

These amendments were developed in consultation with the Long-Term Care Facilities Advisory Board at its meetings on March 26, 1991 and July 17, 1991.

(16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

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

DEPARTMENT OF PUBLIC HEALTH
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- 300.330 Definitions
- 300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

- 300.510 Administrator

SUBPART C: POLICIES

- 300.610 Resident Care Policies
- 300.620 Admission and Discharge Policies
- 300.630 Contract Between Resident and Facility
- 300.640 Residents' Advisory Council
- 300.650 Personnel Policies
- 300.655 Initial Health Evaluation for Employees
- 300.660 Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness
- 300.680 Restraints and Safety Devices
- 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
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NOTICE OF ADOPTED AMENDMENTS

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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992.

NOTE: Italics and capitalization denote statutory language.

Section 300.2420 Equipment and Supplies

- a) Equipment
 - 1) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment, sufficient to meet the needs of its residents. (B)
 - 2) If the facility has residents who needs the services of a suction machine, a sufficient quantity of such machines shall be provided to meet the needs of all such residents. (B)
- b) Privacy Screens and ~~Cubicle~~ Curtains
 - 1) There shall be at least one privacy screen available in the facility for emergency use when resident privacy is needed.
 - 2) ~~There shall be cubicle curtains and tracks installed to provide visual privacy to~~ Each resident bed in multiple-bed resident rooms must be designed or equipped to assure full visual privacy for each resident. Full visual privacy means that residents have a means of completely withdrawing from view while occupying their beds (e.g., curtains, movable screens).
- c) There shall be a sufficient supply of clean linen and bedding in good condition to provide proper care and comfort to the residents. (B)
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.

e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.

f) Kitchen equipment shall be provided as set forth in Section 300.2100.

g) Cleaning equipment and supplies shall be provided as set forth in Sections 300.2210 through 300.2220.

h) Each resident shall have a satisfactory nurse call device. (See Section 300.2940(g) and 300.3140(e).)

i) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating.

j) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to carry out established resident care procedures. This shall include at a minimum the following: wheelchairs with brakes, walkers, metal bedside rails, bedpans, urinals, emesis basins, wash basins, footstools, metal commodes, over the lap tables, foot cradles, footboards, under the mattress bed boards, trapeze frames, transfer boards, parallel bars and reciprocal pulleys.

(Source: Amended at 16 Ill. Reg. _____, effective March 27, 1992)

5977

- 1)
- 2)
- 3)
- 4)
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- 6)
- 7)
- 8)
- 9)
- 10)
- 11)

Heading of the Part: Messages Tax

Code Citation: 86 Ill. Adm. Code 490

Section Numbers: Proposed Action:

- 490.10 Repealer
- 490.20 Repealer
- 490.30 Repealer
- 490.40 Repealer
- 490.50 Repealer
- 490.60 Repealer
- 490.70 Repealer
- 490.80 Repealer
- 490.90 Repealer
- 490.100 Repealer
- 490.110 Repealer
- 490.120 Repealer
- 490.130 Repealer
- 490.140 Repealer
- 490.150 Repealer
- 490.160 Repealer
- 490.170 Repealer
- 490.180 Repealer
- 490.190 Repealer
- 490.200 Repealer

Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 467.1 et seq.

Effective Date of Repealer: March 31, 1992

Does this rulemaking contain an automatic repeal date? No.

Does this repealer contain incorporations by reference? No.

Date Filed in Agency's Principal Office: March 31, 1992

Notice of Proposal Published in Illinois Register:

November 22, 1991, Issue #47, 15 Ill. Reg. 16913

Has ICAR issued a Statement of Objections to this Repealer? No

Differences between proposal and final version: No changes were made to the rulemaking.

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DEPARTMENT OF REVENUE

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? No agreements were necessary between the Department and ICAR.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This repeal of the Messages Tax Act rules is a portion of the Department's continuing efforts to keep its rules up-to-date. The Messages Tax Act has been repealed with the exception of the tax on invested capital. The tax on invested capital is set forth in detail in Section 2a.1 of the Act, and the requirements for the annual return are detailed in Section 2a.2. The statutory provisions are specific and not rules on this subject are required.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Stanley T. Cichowski
 Manager
 Illinois Department of Revenue
 Legal Services Bureau
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-7054

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Public Utilities Revenue Act
- 2) Code Citation: 86 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action:

510.101	Amendment
510.110	Amendment
510.115	Repealer
510.120	Amendment
510.131	Amendment
510.145	Amendment
510.160	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 468 et seq.
- 5) Effective Date of Amendment(s): March 31, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 31, 1992
- 9) Notice of Proposal Published in Illinois Register:
11/22/91, Issue #47, 15 Ill. Reg. 16932
- 10) Has ICAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: During the first notice period the following changes were made:
 - 1. We noted that Section 510.101 was lettered incorrectly. Therefore, the second subsection "e" was changed to "f", subsection "f" was redesignated "g" and subsection "g" was redesignated "h".
 - 2. In the Table of Contents, in Section 510.131, "Exemptions" was modified to "Exemption."
 - 3. In Section 510.101(e)(10), the citation at the end of the subsection was modified to state: "Section 1 of the Act Ill. Rev. Stat. 1985, ch. 120, par. 468."
 - 4. In Section 510.110(c), the citation to "Section 510.101(a)(3)" was changed to "Section 510.101(a)(3)(d)"

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DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 510
THE PUBLIC UTILITIES REVENUE ACT

Section	
510.101	Definitions
510.105	Disposition of Tax Monies
510.110	Imposition of Tax
510.115	Effective Period of Act <u>(Repealed)</u>
510.120	Returns
510.125	Gross Amount of Transactions or Billings Basis of Tax
510.130	Certificate of Registration
510.131	Enterprise Zone Exemptions
510.135	Books and Records
510.140	Claims to Recover Erroneously Paid Tax
510.145	Furnishing of Electricity
510.150	Electricity Sold to and by Building Operators
510.155	Transactions in Interstate Commerce
510.160	Sales of Electricity to the United States Government
510.165	Services Furnished the State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
510.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
510.175	Meter Readings
510.180	Services Furnished to Officers or Employees
510.185	Interdepartmental Transfers
510.190	Discounts, Penalties and Finance or Interest Charges
510.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing Sections 1 and 3 of The Public Utilities Revenue Act (Ill. Rev. Stat. 1991, ch. 120, pars. 468 et seq.) and authorized by Section 39b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 39b5).

SOURCE: Illinois Public Utilities Tax Regulations, adopted March 11, 1937; codified at 8 Ill. Reg. 8616; amended at 11 Ill. Reg. 18759, effective October 30, 1987; amended at 16 Ill. Reg. 5990, effective March 31, 1992.

Section 510.101 Definitions

When used in these regulations, the following words and phrases shall have the meanings hereinafter defined:

- a) "Act" means The Public Utilities Revenue Act (Ill. Rev. Stat. 1991, ch. 120, pars. 468 et seq.) (The Act).
- b) "Department" means the Department of Revenue of the State of Illinois.
- c) "Director" means the Director of Revenue for the Department of Revenue

DEPARTMENT OF REVENUE

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- d) The phrase "gross receipts" means the consideration received for electricity distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transmission of electricity for an end-user) rendered in connection therewith, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. (Section 1 of the Act)
- e) "Gross receipts" shall not include receipts from:
 - 1) any minimum or other charge for electricity or electric service where the customer has taken no kilowatt-hours of electricity;
 - 2) any charge for a dishonored check;
 - 3) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;
 - 4) any charge for reconnection of service or for replacement or relocation of facilities;
 - 5) any advance or contribution in aid of construction;
 - 6) repair, inspection or servicing of equipment located on customer premises;
 - 7) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling or transporting electricity;
 - 8) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer; and
 - 9) any charges added to customers' bills pursuant to the provisions of The Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. Section 9-221 and ex-Section 9-222) of the Public Utilities Act, as amended; or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amount specified in such provisions of such Act. In case credit is extended, the amount thereof shall be included only as and when payments are received.
 - 10) "Gross Receipts" shall not include consideration received from business enterprises certified under Section 9-222.1 of The Public Utilities Act, as amended, during the period of time specified by the Department of Commerce and Community Affairs. (Section 1 of the Act ~~Ill. Rev. Stat. 1985, ch. 120, par. 468.~~)
- f) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, or a receiver, trustee, conservator or other representative appointed by order of any court, or (except municipal corporations owning and operating a local transportation system for public service in this State) any city, town, county or other political subdivision of this State. Corporations organized for

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 16 Ill. Reg. 5990 effective March 31, 1992)

Section 510.115 Effective Period of Act (Repealed)

(Source: Repealed at 16 Ill. Reg. 5990 effective March 31, 1992)

Section 510.120 Returns

a) Except as provided hereinafter in this Regulation Section, every taxpayer upon whom the tax is imposed must file a return with the Department by the 15th of each month covering the preceding month. Each return shall set forth the information required by Section 3 of the Act to be given therein.

b) If the taxpayer's average monthly tax liability to the Department does not exceed \$100.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

c) If the taxpayer's average monthly tax liability to the Department does not exceed \$20.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

d) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

e) Each taxpayer whose average monthly liability to the Department under this Act was \$10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of the taxpayer's actual tax liability for the month or 25% of the taxpayer's actual tax liability for the same calendar month of the preceding year. (Section 3 of the Act)

f) Notwithstanding any other provision in this Act concerning the time within which a taxpayer may file his return, in the case of any taxpayer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such taxpayer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

g) The return is to be made on forms prescribed and furnished by the

NOTICE OF ADOPTED AMENDMENT(S)

mutual benefit of stockholders and corporations not-for-profit constitute "persons" within the Act.

g) "Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption and not for resale. "Taxpayer" for purposes of these regulations includes a municipal corporation (except a municipal corporation owning and operating a local transportation system for public service in this State) that engages in the business of distributing, supplying, furnishing or selling electricity for use or consumption and not for resale.

Section 510.110 Imposition of Tax

(Source: Amended at 16 Ill. Reg. 5990 effective March 31, 1992)

a) There is imposed upon persons engaged in this State in the business of distributing, supplying, furnishing or selling electricity to persons, other than municipal corporations owning and operating a local transportation system for public service in this State, for use or consumption and not for resale, a tax at the rate of .32 cents per kilowatt-hour of all electricity which is so distributed, supplied, furnished, or sold or transmitted to or for each customer in the course of such business, or 5% of the gross receipts received from each customer from such business, whichever is the lower rate as applied to each customer for that customer's billing period, provided that any change in rate imposed by this amendatory Act of 1985 shall become effective only with bills having a meter reading date on or after January 1, 1986. However, such taxes are not imposed with respect to any transaction in interstate commerce, or otherwise, to the extent to which such business may not, under the constitution and statutes of the United States, be made the subject of taxation by this State. Nothing in this amendatory Act of 1985 shall impose a tax with respect to any transaction with respect to which no tax was imposed immediately preceding the effective date of this amendatory Act of 1985. (Ill-Rev-Stat--1985--ch--1207--par--469; Section 2 of the Act)

b) This tax is an occupation tax. It is imposed upon taxpayers, as defined in the Act, and is not imposed upon persons for whom services within the Act are rendered by such taxpayers, nor is it imposed upon the act of rendering such services. The amount of tax payable by a taxpayer is to be measured by, or to be computed upon a basis of, the gross receipts of the taxpayer from the business of distributing, supplying, furnishing or selling electricity for use or consumption. (For a definition of "Gross receipts", see Section 510.101(a)(4)(d) of this Part.

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Department and must be signed by the taxpayer or his duly authorized agent for this purpose. It is the duty of each taxpayer to obtain return forms, and failure to obtain such forms will not relieve a taxpayer from liability for any penalties attaching to failure to make any return.

- gh) At the same time that the returns required by the Act are filed with the Department, the taxpayer shall pay the tax computed upon gross receipts derived from engaging in the business of distributing, supplying, furnishing or selling electricity for use or consumption.
- hi) Where any taxpayer furnishes services within the Act at more than one location in Illinois, he shall file a consolidated return covering business operations at all such locations, and such taxpayer will not be required, nor permitted, to file a separate return for and with respect to each such location. A taxpayer shall be required to file such supplementary schedules as the Department may require.

(Source: Amended at 16 Ill. Reg. 5990, effective March 31, 1992)

Section 510.131 Enterprise Zone Exemptions

- a) ~~Effective January 1, 1986,~~ *The pass-on of municipal and State utility taxes added to a business' utility bills as additional charges shall be exempt for:*
- 1) a business that has been designated as a high impact business pursuant to Section 5.5 of the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1991, ch. 67 1/2, par. 609.1); or
 - 2) a business enterprise located within an area designated by a county or municipality as an enterprise zone pursuant to the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1985/1991, ch. 67-1/2, par. 601 et seq.). The business enterprise must meet the following criteria:
 - 1A) It either makes investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois or makes investments which cause the retention of a minimum of 1,000 full-time jobs in Illinois;
 - 2B) It is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and
 - 3C) Is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (1) (A) and (2) (B), above. (See Sections 9-222 and 9-222.1 of The Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 9-222 and 9-222.1))
- b) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on forms provided by them. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of the exemption. (The rules of the Department of Commerce and Community Affairs concerning enterprise zones are found at 14 Ill. Reg. Adm.

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Code 520-1000-et-seq.)

(Source: Amended at 16 Ill. Reg. 5990, effective March 31, 1992)

Section 510.145 Furnishing of Electricity

- a) The tax applies with respect to the consideration received by a taxpayer for electricity distributed, supplied, furnished or sold to any person in a taxable transaction for use or consumption and not for resale and for all services (including the transmission of electricity for an end-user) rendered in connection therewith. All such receipts are within the Act. There is no limitation in the application of the tax to any particular use or consumption of these services. However, for information concerning exemptions for transactions with certain kinds of customers, see Section 510.160 and 510.165 of this Part.
- b) Electricity furnished to other taxpayers engaged in the business of distributing, supplying, furnishing or selling to their customers the electricity so received is for resale and is not within the Act.
- c) Furnishing of electricity includes electricity furnished for use or consumption and not for resale, whether furnished at a meter rate dependent upon the quantity furnished, at flat rates per unit period of time, for a flat amount per outlet or per drop, or upon any other basis independent of the quantity of electricity furnished.
- d) Taxpayers are required to include in gross receipts by which they compute tax all consideration received for the furnishing of electricity for use or consumption and not for resale, including flat fees, payments on contracts, minimum charges and the value of any other consideration for electricity, including consideration in the form of property or services. (See Section 510.101(e) for the definition of gross receipts.)
- e) ~~Except for amounts that are added to billings to reimburse taxpayers for the tax rate in excess of 3% as authorized by paragraph (b) of Section 36 of "An Act concerning public utilities", and except for charges that are added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission because of the tax that is imposed by the Act, taxpayers are required to include in taxable gross receipts any amounts collected from others to reimburse the taxpayer for the tax imposed by The Public Utilities Revenue Tax Act or to reimburse the taxpayer for tax imposed by any municipality under Section 8-11-2 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, ch. 24, par. 8-11-2) on the business of distributing, supplying, furnishing or selling electricity for use or consumption including all charges which the taxpayer is authorized by paragraph (a) of Section 36 of "An Act concerning public utilities" to collect from customers in this connection. The taxpayer may take this tax collected deduction from gross receipts if the taxpayer states separately on its bill for electricity to the purchaser how much tax, as permitted by law, is being passed on to the purchaser in addition to the charge for~~

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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies--Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
133.200	Definitions of Terms Used in the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 of the Act
130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.216	Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
130.220	Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
130.221	Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
130.225	Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

SECRETARY OF STATE

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130.233	Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
130.234	Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act
130.235	Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act
130.241	Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
130.242	Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act
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130.245	Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
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NOTICE OF ADOPTED AMENDMENT(S)

to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness	11th-30th day \$200 31st-60th day \$400 61st-90th day \$600 91st-120th day \$800 121st-150th day \$1,000 151st-180th day \$1,200 On or after the 181st day \$2,500
Section 6(A) Filing or Renewal Fee	\$1,000
Amendment Filing Fee for Additional Series, Types or Classes	\$100
Section 6(B) Examination Fee	\$300
Filing or Renewal Fee	\$1,000
Amendment Examination Fee	\$50
Amendment Filing Fee for Additional Series, Types or Classes	\$100
Transaction Charge	\$10
Annual Fee	1/30th of 1% of average of quarterly computation of aggregate principal amount of securities on deposit
Section 6(F) Additional fee for renewal of securities 6 days or less but prior to expiration of registration or renewal	\$200
Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the	

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

most recent registration or renewal)	1st-30th day \$500 31st-60th day \$1,000 61st-90th day \$1,500 91st-120th day \$2,000 121st-150th day \$2,500 151st-180th day \$3,000 On or after the 181st day \$5,000
Section 6(L) Additional fee for the failure to file or file timely any required post-registration document	\$50
Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness	\$100
Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness	11th-30th day \$200 31st-60th day \$400 61st-90th day \$600 91st-120th day \$800 121st-150th day \$1,000 151st-180th day \$1,200 On or after the 181st day \$2,500
Section 7(A) Filing or Renewal Fee	\$1,000 plus \$100 for each series,

NOTICE OF ADOPTED AMENDMENT(S)

of SEC effectiveness for
filings made on the third
through tenth business day
after SEC effectiveness
Additional fee for the failure
to file or file timely notice
of SEC effectiveness
for filings made after the
tenth day after SEC
effectiveness

11th-30th day \$200
31st-60th day \$400
61st-90th day \$600
91st-120th day \$800
121st-150th day \$1,000
151st-180th day \$1,200
On or after the 181st day \$2,500

Section 8
Dealer Filing or Renewal Fee

\$300**** plus \$20 for each
branch office in this State

\$300
Dealer fee to report a
change in its form of
organization
Investment Adviser Filing or
Renewal Fee

\$200**** plus \$20
for each branch
office in this
State plus a \$10
Securities Audit
and Enforcement
Fund fee for each
Investment adviser
representative who
is not registered
in this state as a
salesperson for a
registered dealer (all
fees may be paid
by a single
check).

NOTICE OF ADOPTED AMENDMENT(S)

class or
portfolio
for
Amendment Filing Fee for
Additional Class or Classes

Section 7(B)
Examination Fee \$300
Filing or Renewal Fee \$1,000
Amendment Examination Fee \$50
Amendment Filing Fee for
Additional Class or Classes \$100
Renewal Examination Fee \$200

Section 7(D)
Amendatory statement \$100

Section 7(G)
Additional fee for renewal
of securities 9 business
days or less but prior to
expiration of registration
or renewal
Additional fee after expiration
of registration or renewal
(not to exceed one year after
the date of expiration of the
most recent registration
or renewal)

1st-30th day \$500
31st-60th day \$1,000
61st-90th day \$1,500
91st-120th day \$2,000
121st-150th day \$2,500
151st-180th day \$3,000
On or after the 181st day \$5,000

Section 7(J)
Additional fee for the failure
to file or file timely any
required post-registration
document
Additional fee for the failure
to file or file timely notice
\$50

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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

<u>Investment Adviser fee to report a change in its form of organization</u>	\$200
Investment Adviser Examination Fee	\$50
Salesperson Filing or Renewal Fee	\$40 \$50
	<u>(\$40 filing or renewal fee and \$10 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).</u>
Salesperson Transfer Fee	<u>\$50 \$40 (\$40 transfer fee and \$10 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).</u>

Section 8(J)

Additional fee for the failure to file or file timely any required statement of financial condition or financial statement	\$250
Additional fee for the second and subsequent failure to file or file timely any required statement of financial condition or financial statement	\$500
Additional fee for the failure to file or file timely any required post-registration document (other than statement of financial condition or financial statement)	\$50
Additional fee for the second and subsequent failure to file or file timely any required document (other than statement of financial condition or financial statement)	\$250

Section 10

SECRETARY OF STATE

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Service of Process (when served upon the Secretary)	\$10
Sections 15(B) and 15(C) Certificate	\$10
Certified Copy of Document Each Page Certified	\$10 plus \$.50
Section 15a Non-binding statement	\$75
Duplication of documents each page duplicated	\$.50
Additional fee for payment of fee returned to the Securities Department due to insufficient funds or for a similar reason	\$50

* 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the specified minimum nor more than the specified maximum.

** 1/20th of 1% of the maximum aggregate price, as defined in Section 130.251 of this Part, but not less than the specified minimum nor more than the specified maximum.

*** Three times the difference between the initial registration fee paid and the fee required for the entire amount sought to be registered but not less than the specified minimum nor more than the specified maximum.

**** Twice the amount indicated if renewal application is filed within 6 days preceding the expiration of the current registration.

b) All payments of fees, except for payment of administrative fines under Section 11(E) of the Act as set forth below, shall be made by check, money order, United States postal money order, certified check, bank cashier's check, bank money order or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State ("Secretary") shall be accepted as payment of any fee. All payments for administrative fines under Section 11(E) of the Act, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by United States postal money order, certified check or bank cashier's check.

c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by Ill. Rev. Stat. ch. 53 par. 24, as defined in Section 130.200 of this Part.

d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees

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DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

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

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
EMERGENCY	
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permits
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1991, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991;

NOTICE OF EMERGENCY AMENDMENTS

Baker Lake, City of Peru
 Laballe County
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish - 10 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area
 Randolph County
 All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped Bass (16) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Banana Lake, Lake County Forest Preserve District
 Lake County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area
 Peoria/Fulton Counties

All Fish - 2 Pole and Line Fishing Only (1)(7)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit

Bay Creek Lake, U.S. Forest Service
 Pope County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area
 Wabash County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

NOTICE OF EMERGENCY AMENDMENTS

emergency amendments at 15 Ill. Reg. 5430, effective March 27, 1991 for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 16 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendments at 16 Ill. Reg. 6016, effective March 25, 1992 for a maximum of 150 days.

Section 810.45 Site Specific Water Area Regulations
 EMERGENCY

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parentheses refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Allison
 Logan County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Argyle Lake, Argyle Lake State Park
 McDonough County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish > 15" &/or 5 < 12" Daily (12)

Ashland City Reservoir, City of Ashland
 Cass County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Ashley Reservoir, City of Ashley
 Washington County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Auburn Park Lagoon, Chicago Park District
 Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Beaver Dam Lake, Beaver Dam State Park

Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Borah Lake, City of Olney

Richland County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area

Grundy/Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner

Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill

Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Burrells Wood Park Pond

White County

- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Busse Lake, Cook County Forest Preserve

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit

Carlyle Lake (20), U.S. Army Corps of Engineers

Clinton County

- Large or Smallmouth Bass - 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Carthage Lake, City of Carthage

Hancock County

- Channel Catfish - 6 Fish Daily Creel Limit

Cedar Lake, U.S. Forest Service and City of Carbondale

Jackson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit

Centralia Lake, City of Centralia

Marion County

- Large or Smallmouth Bass - 15" Minimum Length Limit

Charleston Lower Channel Lake, City of Charleston

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit

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DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

Defiance Lake, Moraine Hills State Park

- McHenry County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Devil's Kitchen Lake, U.S. Fish and Wildlife Service

- Williamson County**
 All Fish - 2 Pole and Line Fishing Only (1)

Dolan Lake, Hamilton County Conservation Area

- Hamilton County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 Walleye - 14" Minimum Length Limit

Douglas Park Lagoon, Chicago Park District

- Cook County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Dutchman Lake, Shawnee National Forest

- Johnson County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

East Fork Lake, City of Olney

- Richland County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 Walleye - 14" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Evergreen Lake, City of Bloomington

- McLean County**
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Pure Muskellunge - 36" Minimum Length Limit

Ferne Clyffe Lake, Ferne Clyffe State Park

- Johnson County**
 All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit

Forbes State Lake, Stephen A. Forbes State Park

- Marion County**
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Forbes State Lake & Ponds, Stephen A. Forbes State Park

- Marion County**
 All Fish - 2 Pole and Line Fishing Only (1)(5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Forest Park Lagoon, City of Shelbyville

- Shelby County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Four Lakes, Winnebago County Forest Preserve

- Winnebago County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Fox Chain O'Lakes, State of Illinois

- Lake County**
 Large or Smallmouth Bass - 14" Minimum Length Limit (6)
 Pure Muskellunge - 36" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit (6)
 Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Frank Holten Lakes, Frank Holten State Park

- St. Clair County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Franklin Creek, Franklin Creek State Natural Area

- Lee County**
 All Fish - 2 Pole and Line Fishing Only (1)(9)

Gale Lake, Village of East Galesburg

- Knox County**
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit

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ILLINOIS REGISTER

NOTICE OF EMERGENCY AMENDMENTS

2 Pole and Lane Fishing Only (1)	All Fish	Gordon F. More Park Lake, City of Alton
25 Fish Daily Creel Limit	Bluegill or Redear Sunfish (14)	Madison County
6 Fish Daily Creel Limit	Channel Catfish	
2 Fish < 15" &/or 1 Fish > or = 15" Daily (25)	Large or Smallmouth Bass (14)	Governor Bond Lake, City of Greenville
15" Minimum Length Limit	Large or Smallmouth Bass	Bond County
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
17" Minimum Length Limit	Striped Bass	Greenfield City Lake, City of Greenfield
3 Fish Daily Creel Limit	Striped, White, or Hybrid	
3 Fish Daily Creel Limit	Striped Bass (16)	
2 Pole and Lane Fishing Only (1)	All Fish	Green County
6 Fish Daily Creel Limit	Channel Catfish	
2 Pole and Lane Fishing Only (1)	All Fish	Greenville Old City Lake, City of Greenville
2 Pole and Lane Fishing Only (1)	All Fish	Bond County
6 Fish Daily Creel Limit	Channel Catfish	
2 Pole and Lane Fishing Only (1)	All Fish	Harrisburg New City Reservoir, City of Harrisburg
2 Pole and Lane Fishing Only (1)	All Fish	Saline County
6 Fish Daily Creel Limit	Channel Catfish	
2 Pole and Lane Fishing Only (1)	All Fish	Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
6 Fish Daily Creel Limit	Channel Catfish	
2 Pole and Lane Fishing Only (1)	All Fish	Grundy County
2 Pole and Lane Fishing Only (1)	Channel Catfish	
6 Fish Daily Creel Limit	Large or Smallmouth Bass	
18" Minimum Length Limit	Large or Smallmouth Bass (14)	
3 Fish Daily Creel Limit	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Striped, White, or Hybrid	
10 Creel/3 Fish 17" or Longer Daily (17)	Striped Bass	
22" Minimum Length Limit	Walleye, Sauger, or Hybrid	
3 Fish Daily Creel Limit	Walleye (14)	
2 Pole and Lane Fishing Only (1)	All Fish	Hennepin Canal, Hennepin Canal Parkway State Park
2 Pole and Lane Fishing Only (1)	All Fish	Multiple Counties
14" Minimum Length Limit	Large or Smallmouth Bass	

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ILLINOIS REGISTER

NOTICE OF EMERGENCY AMENDMENTS

6 Fish Daily Creel Limit	Channel Catfish	
15" Minimum Length Limit	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
2 Pole and Lane Fishing Only (1)	All Fish	Cook County
2 Pole and Lane Fishing Only (1)	All Fish	Garfield Park Lagoon, Chicago Park District
2 Pole and Lane Fishing Only (1)	Channel Catfish	
6 Fish Daily Creel Limit	Channel Catfish	
2 Pole and Lane Fishing Only (1)	All Fish	Gebhard Woods Ponds, Gebhard Woods State Park
2 Pole and Lane Fishing Only (1)	All Fish	Grundy County
2 Pole and Lane Fishing Only (1)	All Fish	Gladstone Lake, Henderson County Conservation Area
6 Fish Daily Creel Limit	Channel Catfish	
6 Fish Daily Creel Limit	Large or Smallmouth Bass	
12-15" Slot Length Limit (3)	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
2 Pole and Lane Fishing Only (1)	All Fish	Macoupin County
2 Pole and Lane Fishing Only (1)	All Fish	Gillespie Old City Lake, City of Gillespie
6 Fish Daily Creel Limit	Channel Catfish	
6 Fish Daily Creel Limit	Large or Smallmouth Bass	
12-15" Slot Length Limit (3)	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
2 Pole and Lane Fishing Only (1)	All Fish	Macoupin County
2 Pole and Lane Fishing Only (1)	Channel Catfish	
6 Fish Daily Creel Limit	Channel Catfish	
6 Fish Daily Creel Limit	Large or Smallmouth Bass	
15" Minimum Length Limit	Large or Smallmouth Bass (14)	
3 Fish Daily Creel Limit	Large or Smallmouth Bass	
2 Pole and Lane Fishing Only (1)	All Fish	Henderson County
10 Fish Daily Creel Limit	Bluegill or Redear Sunfish (14)	
6 Fish Daily Creel Limit	Channel Catfish	
12-15" Slot Length Limit (3)	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
2 Pole and Lane Fishing Only (1)	All Fish	Montgomery County
15" Minimum Length Limit	Large or Smallmouth Bass	
3 Fish Daily Creel Limit	Large or Smallmouth Bass (14)	
3 Fish Daily Creel Limit	Striped, White, or Hybrid	
17" Minimum Length Limit	Striped Bass	
3 Fish Daily Creel Limit	Striped, White, or Hybrid	
2 Pole and Lane Fishing Only (1)	All Fish	Cook County
2 Pole and Lane Fishing Only (1)	All Fish	Gompers Park Lagoon, Chicago Park District
6 Fish Daily Creel Limit	Channel Catfish	

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park

Multiple Counties

- All Fish - 2 Pole and Line Fishing Only (1)(13)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
- Walleye - 14" Minimum Length Limit

Herrick Lake, DuPage County Forest Preserve District

DuPage County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Hidden Springs State Forest Ponds, Hidden Springs State Forest

Shelby County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Highland Old City Lake, City of Highland

Madison County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Hillsboro Old City Lake, City of Hillsboro

Montgomery County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Homer Lake, Champaign County Forest Preserve District

Champaign County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Hornel Ponds, Donnelly State Fish and Wildlife Area

Bureau County

- All Fish - 2 Pole and Line Fishing Only (1)(10)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

Alexander County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Horton Lake, Nauvoo State Park

Hancock County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Ill. Dept. of Transportation Lake, State of Illinois

Sangamon County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Grundy/LaSalle Counties

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park

Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park

Henry County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Jones Park Lake, City of East St. Louis

St. Clair County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Jones State Lake, Saline County Conservation Area

Saline County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Jubilee College State Park Ponds, Jubilee College State Park

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DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
White, Black, or Hybrid
Crappie (15) - 25 Fish Daily Creel Limit
White, Black, or Hybrid
Crappie - 9" Minimum Length Limit

Lake Kakusha, City of Mendota

LaSalle County

- All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid
Crappie (15) - 10 Fish Daily Creel Limit

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

Stephenson County

- All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit
White, Black, or Hybrid
Crappie (15) - 25 Fish Daily Creel Limit

Lake Mendota, City of Mendota

LaSalle County

- Channel Catfish - 6 Fish Daily Creel Limit

Lake Michigan (Illinois Portion), State of Illinois

Lake/Cook Counties

- Trout and Salmon - 10" Minimum Length Limit
- No more than 3 fish of any one species daily, except for
Lake Trout
Lake Trout - 2 Fish Daily Creel Limit

Lake Milliken, Des Plaines Conservation Area

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Lake Mingo & Ponds Kennekuk Cove Park, Vermilion County Conservation Area

Vermilion County

- All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit

Lake Murphysboro, Lake Murphysboro State Park

Jackson County

- All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Lake Nellie, City of St. Elmo

Fayette County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District

Champaign County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Olsonmin, Rock Cut State Park

Winnebago County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Paradise & Shadow Ponds, City of Mattoon

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon

Coles County

- Channel Catfish - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham

Effingham County

- Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers

Moultrie/Shelby Counties

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Large or Smallmouth Bass - 14" Minimum Length Limit
 Pure Muskellunge - 36" Minimum Length Limit
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 Walleye - 14" Minimum Length Limit
 White, Black, or Hybrid - 14" Minimum Length Limit
 Crappie (15) - 26 Fish Daily Creel Limit
 White, Black, or Hybrid - 26 Fish Daily Creel Limit
 Crappie (15) - 26 Fish Daily Creel Limit
 White, Black, or Hybrid - 9" Minimum Length Limit
 Walleye, Sauger, or Hybrid - 9" Minimum Length Limit
 Large or Smallmouth Bass - 9" Minimum Length Limit

Lake Shelbyville Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area

Moultrie/Shelby Counties

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Springfield, City of Springfield

Sangamon County

All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 16" Minimum Length Limit
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit

Walleye, Sauger, or Hybrid
 Walleye
 White, Black, or Hybrid

Crappie (15)
 White, Black, or Hybrid

White, Black, or Hybrid

9" Minimum Length Limit

Lake Storey, City of Galesburg

Knox County

All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 26 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Lake Vandalia, City of Vandalia

Fayette County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass

Striped, White, or Hybrid
 Striped Bass (16)

Lake Vermilion, Vermilion County Conservation District

Vermilion County

All Fish - 2 Pole and Line Fishing Only (26)
 Large or Smallmouth Bass - 16" Minimum Length Limit (23)
 Pure Muskellunge - 36" Minimum Length Limit (23)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Walleye, Sauger, or Hybrid - 14" Minimum Length Limit (23)
 Walleye

Lake Williamsville, City of Williamsville

Sangamon County

2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
 15" Minimum Length Limit

Large or Smallmouth Bass

LaSalle Lake, LaSalle Power Station

LaSalle County

2 Pole and Line Fishing Only (1) - 1 Fish Daily Creel Limit
 18" Minimum Length Limit

Large or Smallmouth Bass (14)

Striped, White, or Hybrid
 Striped Bass (16)

10 Creel/3 Fish 17" or Longer Daily (17)

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

Coles County

2 Pole and Line Fishing Only (1)

All Fish

Lincoln Park North Lagoon, Chicago Park District

Cook County

2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit

Channel Catfish

Lincoln Park South Lagoon, Chicago Park District

Cook County

2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit

Channel Catfish

Lincoln Trail Lake, Lincoln Trail State Park

Clark County

2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
 12-15" Slot Length Limit (3)

Large or Smallmouth Bass

Little Black Slough, Little Black Slough State Natural Area

Johnson County

2 Pole and Line Fishing Only (1) - No Seines

All Fish

Little Cedar Lake, Shawnee National Forest

Jackson County

2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit

Channel Catfish

Little Grassly Lake, U.S. Fish and Wildlife Service

DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

- Williamson County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Little Sister Lake, County of Fulton**
- Fulton County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Lou Yeager Lake, City of Litchfield**
- Montgomery County**
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Lower Cache River, Lower Cache River State Natural Area**
- Pulaski/Johnson Counties**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - All Fish - No Seines
- Lyerla Lake, Union County Conservation Area**
- Union County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Macon County Conservation District Ponds, Macon County Conservation District**
- Macon County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Maple Lake, Cook County Forest Preserve District**
- Cook County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Marquette Park Lagoon, Chicago Park District**
- Cook County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area**
- Marshall County**
 - All Fish - 2 Pole and Line Fishing Only (1)
- Mattoon Lake, City of Mattoon**

DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

- Coles County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Large or Smallmouth Bass - 14" Minimum Length Limit
- Mazonia-Braidwood Lakes & Ponds, Mazonia-Braidwood State Fish and Wildlife Area**
- Grundy/Will Counties**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 - Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 - Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
 - Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
 - White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- McCullom Lake, City of McHenry**
- McHenry County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- McKinley Park Lagoon, Chicago Park District**
- Cook County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- McLeansboro City Lakes, City of McLeansboro**
- Hamilton County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
- Mermet State Lake, Mermet Lake Conservation Area**
- Massac County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
- Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve**
- Champaign County**
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit

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DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Macoupin County**
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
 Pure Muskellunge - 36" Minimum Length Limit
- Palmyra City Lake & Terry Park Pond, City of Palmyra**
Macoupin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
- Pana Lake, City of Pana**
Shelby and Christian Counties
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
- Paris East & West Lakes, City of Paris**
Edgar County
 All Fish - 2 Pole and Line Fishing Only (1)(5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
- Peelman Lake, Kickapoo State Park**
Vermilion County
 Large or Smallmouth Bass - 14" Minimum Length Limit
- Pierce Lake, Rock Cut State Park**
Winnebago County
 All Fish - 2 Pole and Line Fishing Only (1)(8)
 Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Pure Muskellunge - 36" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
- Piscasaw Creek, State of Illinois**
McHenry County
 Trout - 9" Minimum Length Limit
- Pittsfield City Lake, City of Pittsfield**
Pike County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Large or Smallmouth Bass** - 14" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
- Pocahontas Park Pond, City of Pocahontas**
Bond County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
- Pounds Hollow Lake, Shawnee National Forest**
Gallatin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
- Powerton Lake, Powerton Lake Fish and Wildlife Area**
Tazewell County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
 Walleye, Sauger, or Hybrid Walleye (14) - 1 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid Walleye - 24" Minimum Length Limit
- Pratt Wayne Woods Lakes, DuPage County Forest Preserve**
DuPage County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
- Pyramid State Park Lakes & Ponds, Pyramid State Park**
Perry County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
- Ramsey Lake, Ramsey Lake State Park**
Fayette County
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 White, Black, or Hybrid

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

DeKalb County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	- 14" Minimum Length Limit
Crappie (15)	- 10 Fish Daily Creel Limit
Shawnee National Forest Lakes & Ponds, Shawnee National Forest	
Multiple Counties	
Channel Catfish	- 6 Fish Daily Creel Limit
Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service	
Multiple Counties	
Largemouth Bass	- 12" Minimum Length Limit
Sherman Park Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Siloam Springs Lake, Siloam Springs State Park	
Adams County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Silver Lake (Highland), City of Highland	
Madison County	
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
Silver Springs S.P. Lake & Ponds, Silver Springs State Park	
Kendall County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area	
Knox County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 5 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish > 15" &/or 5 < 12" Daily (12)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	- 14" Minimum Length Limit
Crappie (15)	- 5 Fish Daily Creel Limit
Sparta City Lakes, City of Sparta	
Randolph County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Spring Lake, City of Macomb	
McDonough County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass (16)	- 3 Fish Daily Creel Limit
Spring Lake (North & South), Spring Lake Conservation Area	
Tazewell County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
White, Black, or Hybrid	- 25 Fish Daily Creel Limit
Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid	- 9" Minimum Length Limit
Crappie	- 9" Minimum Length Limit
St. Elmo South Lake, City of St. Elmo	
Fayette County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Staunton City Lake, City of Staunton	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Sterling Lake, Lake County Forest Preserve District	
Lake County	
All Fish	- 2 Pole & Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

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DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Walton Park Lake, City of Litchfield
Montgomery County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Warrior Lake, Moraine Hills State Park
McHenry County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Washington County Lake, Washington County Conservation Area
Washington County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 - Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
- Washington Park Lagoon, Chicago Park District
Cook County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Waverly Lake, City of Waverly
Morgan County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
- Weinberg-King Pond, Weinberg-King State Park
Schuyler County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Weldon Springs Lake, Weldon Springs State Park
DeWitt County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
- West Frankfort New City Lake, City of West Frankfort

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Franklin County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- West Frankfort Old City Lake, City of West Frankfort
Franklin County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- White Hall City Lake, City of White Hall
Green County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Whoopie Cat Lake, Shawnee National Forest
Hardin County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Wilderness Lake, Moraine Hills State Park
McHenry County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Wilderness Pond, Fox Ridge State Park
Coles County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
- Wolf Lake, William W. Powers Conservation Area
Cook County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
- Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area
Woodford County
 - All Fish - 2 Pole and Line Fishing Only (1)
- Wyman Lake, City of Sullivan
Moultrie County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendments at 16 Ill. Reg. 6016, effective March 25, 1992 for a maximum of 150 days)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD
NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1)

The Heading of the Part: Unfair Labor Practice Proceedings

2)

Code Citation: 80 Ill. Reg. 1120

3)

Section Numbers:
Emergency Action:

1120.80

New Section

4)

Statutory Authority: Section 5(h) of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1705(h); Section 15 of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1715, as amended by P.A. 86-412, effective January 1, 1992.

5)

Effective Date of Amendments:
March 30, 1992

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: Not Applicable

7)

Date Filed in Agency's Principal Office:
March 30, 1992

8)

Reason for Emergency: The Illinois Educational Labor Relations Board is promulgating this emergency amendment in order to implement Public Act 86-412, which amends Section 15 of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. ch. 48, par. 1715, effective January 1, 1992. That amendment to the statute provides that an order of the Illinois Educational Labor Relations Board in an unfair labor practice proceeding "may in its [the Board's] discretion also include an appropriate sanction, based on the Board's rules and regulations...." An emergency amendment is necessary because such rules from the IELRB are a statutory prerequisite to implementing this new statutory authority. Without an emergency amendment, the Board would not be able to order such sanctions until rulemaking was completed on the proposed amendment on this subject.

9)

A Complete Description of the Subjects and Issues Involved: The proposed amendment to the Illinois Educational Labor Relations Board's rules implements the amendment to Section 15 of the Illinois Educational Labor Relations Act that was enacted in Public Act 86-412. The proposed amendment to the Agency's rules sets forth the standards under which sanctions can be recommended by the Executive Director or an Administrative Law Judge, and can be ordered by the Illinois Educational Labor Relations Board in unfair labor practice proceedings. The proposed amendment to the Agency's rules also

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENTS

sets forth the procedures governing requests for such sanctions and the procedures under which the Agency will determine if sanctions are warranted.

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, pars. 1701, et seq., in a manner consistent with the amendment to Section 15 of the Act, Ill. Rev. Stat. (1989), ch. 48, par. 1715, enacted in Public Law 86-412, effective January 1, 1992, which provides that the Illinois Educational Labor Relations Board may order appropriate sanctions in unfair labor practice proceedings; to establish procedures for parties to request such sanctions; and to establish procedures under which the Board will determine whether such sanctions are warranted.

12) Information and questions regarding this amendment shall be directed to:

Name: David A. Youngerman, Chief Administrative Law Judge
 Address: Illinois Educational Labor Relations Board
 20 North Wacker Drive, Suite 1000
 Chicago, Illinois 60606-2901
 Telephone: (312) 793-3170

The full text of the emergency rule amendments begins on the next page.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE C: LABOR RELATIONS
 CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1120
 UNFAIR LABOR PRACTICE PROCEEDINGS

Section	
1120.10	General Statement of Purpose
1120.20	Filing of a Charge
1120.30	Charge Processing and Investigation, Complaints and Responses
1120.40	Hearings
1120.50	Consideration by the Board
1120.60	Requests for Preliminary Relief
1120.70	Compliance Procedures
1120.80	Sanctions
EMERGENCY	

NOTE: Capitalization denotes statutory language.

AUTHORITY: Section 5(h) of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1705(h); Section 15 of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1989), ch. 48, par. 1715, as amended by P.A. 86-412, effective January 1, 1992.

SOURCE: Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 14 Ill. Reg. 1322, effective January 5, 1990; emergency amendments at 16 Ill. Reg. 6052, effective March 30, 1992, for a maximum of 150 days.

Section 1120.80 Sanctions
 EMERGENCY

- a) THE BOARD'S ORDER MAY IN ITS DISCRETION...INCLUDE AN APPROPRIATE SANCTION, BASED ON THE BOARD'S RULES AND REGULATIONS, IF THE OTHER PARTY HAS MADE ALLEGATIONS OR DENIALS WITHOUT REASONABLE CAUSE AND FOUND TO BE UNTRUE OR HAS ENGAGED IN FRIVOLOUS LITIGATION FOR THE PURPOSE OF DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION. THE

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DEPARTMENT OF LABOR

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) The Notice of Proposed Rules being corrected appeared at 16 Ill. Reg. 4645 dated March 27, 1992.
- 4) The information being corrected is as follows:

In addition to the public hearings announced in the March 27, 1992 Ill. Reg., an additional public hearing has been scheduled as follows:

9:00 A.M., Monday, May 4, 1992
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Register Citation to Notice of Proposed Rules:
16 Ill. Reg. 5399 ; April 10 , 19 92
- 4) Date, Time and Location of Public Hearing: May 14, 1992, 2 p.m., at the Illinois Department of Labor, #1 W. Old State Capitol Plaza, Room 300, Springfield, Illinois 62701.
- 5) Written comments may be submitted within 45 days of the publication of this notice. All correspondence should be addressed to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: (217) 782-9347

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register: Name of Act: Illinois Department of Revenue Sunshine Act Citation: III. Rev. Stat. 1989, ch. 127, par. 2001 (Public Act 82-727, effective November 12, 1991).

2. Summary of information:

Index of Department of Revenue income tax letter rulings issued for the Fourth Quarter of 1991.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings
(not included above)
Administrative Review
Allocation
(For Alternative Allocation rulings,
see that heading)
Alternative Allocation
Amnesty
Apportionment
Financial Organizations
Insurance Companies
Payroll Factor
Property Factor
Sales Factor
Transportation Services
Other Rulings
(not included above)
Assessment
Bankruptcy
Base Income
(Also See Addition Modifications,
Fringe Benefits, Subtraction,
Modifications)
Books and Records
Bulk Sales: See Sales Outside the
Ordinary Course of Business (Bulk
Sales)
Business Income
Capital Gains (Losses)

(Also See Subtraction
Modifications - Valuation
Limitation)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensation
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax Paid
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Replacement Tax Investment
Research and Development
Training Expense
Other Rulings
(not included above)
Deficiencies
Definitions
Domestic International Sales
Corporations (DISC's)
Elections: See Combined Unitary
Return, Extensions, Unitary
Enterprise Zones
(Also See Credits, Subtraction
Modifications)
Erroneous Refund: See Refunds

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY FIRST OF AMERICA BANK CORPORATION,
KALAMAZOO, MICHIGAN, TO ACQUIRE
FIRST PETERSBURG BANCSHARES, INC.,
PETERSBURG, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First of America Bank Corporation, 211 South Rose Street, Kalamazoo, Michigan 49007, to acquire First Petersburg Bancshares, Inc., 522 South Sixth Street, Petersburg, Illinois 62675.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Bruce J. Baker
Neal J. O'Brien
Commissioner of Banks and Trust Companies
Room 100 Keisch Building
117 South Fifth Street
Springfield, Illinois 62701.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties
 Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings
 (not included above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)
 (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 (Also See Estimated Tax)
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings
 (Not included above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Statute of Limitations
 Other Rulings
 (not included above)
 Replacement Tax
 (Also See Credits)
 Residency/Nonresidency
 Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings
 (not included above)
 S Corporations
 Sales Factor:
 See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Allocation
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter (S) Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Valuation Limitation
 Other Rulings
 (not included above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
 Transportation Services: See Apportionment
 Trusts
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See Subtraction Modifications
 Valuation Limitation: See Subtraction Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts (IITA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (not included above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is available for \$3.00. A cumulative Income tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

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DEPARTMENT OF REVENUE

1991 FOURTH QUARTER SUNSHINE INDEX

- IT91-322 12/04/1991 Discusses whether an out-of-State retailer has nexus for Illinois income tax purposes when it has catalogs printed by an Illinois printer.
- IT91-330 12/12/1991 Discusses the applicability of Illinois income tax to nonresident professional athletes. Attached questionnaire.

APPORTIONMENT - SALES FACTOR

- IT91-274 10/08/1991 Partnerships leasing aircraft to Delaware corporation has nexus with Illinois since the aircraft will land in Illinois to load and unload freight or passengers. It is not necessary that the lessee hangar any planes in Illinois on a permanent basis in order that nexus be established.
- IT91-316 12/02/1991 Based upon information in letter, company has sufficient nexus with Illinois to exceed "mere solicitation" standard.
- IT91-322 12/04/1991 Discusses whether an out-of-State retailer has nexus for Illinois income tax purposes when it has catalogs printed by an Illinois printer.
- IT91-330 12/12/1991 Discusses the applicability of Illinois income tax to nonresident professional athletes. Attached questionnaire.

APPORTIONMENT - TRANSPORTATION SERVICES

- IT91-299 11/07/1991 If the corporation is in the business of providing transportation services, it earns income in Illinois and is subject to Illinois income taxation if it transports some or all of its passengers or freight through Illinois.
- IT91-336 12/16/1991 Response to inquiry regarding Illinois law regulating a common carrier which is going to deliver and pick up freight in Illinois.

Public Act 87-17, made certain revisions to Illinois income tax rates. The substance of this Act, in regard to corporate income tax rates, was to extend until July 1, 1993. The regular corporate rate of 4.8% at which time it is reduced to 4.4%. In addition to the regular 4.8% rate, there is an additional replacement tax rate of 2.5% placed on the same net income.

DEPARTMENT OF REVENUE

1991 FOURTH QUARTER SUNSHINE INDEX

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT91-297 11/07/1991 Discusses Illinois income taxation of Limited Partnership or S Corporation.
- IT91-303 11/13/1991 Based upon facts presented, Indiana corporation was subject to Illinois income tax.

BASE INCOME

(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

- IT91-293 10/30/1991 There is no deduction for moving expenses in the computation of the taxpayer's taxable income for Illinois income tax purposes. Consequently, any payment made to an employee for moving expenses which will be included in the employee's adjusted gross income will be subject to Illinois income tax without any adjustment. If advances to employees are subject to federal withholding, they are subject to withholding for Illinois income tax purposes.
- IT91-294 11/04/1991 Foreign corporation, as lessor of land in Illinois, has net income subject to Illinois income tax. The fact that it may not have to file a federal income tax return is immaterial.
- IT91-298 11/07/1991 The computation of a taxpayer's Illinois income tax liability begins with federal taxable income or adjusted gross income. Since there are no modifications to federal taxable income or adjusted gross income for depreciation, the same depreciation method used for federal purposes is required for Illinois purposes.
- IT91-337 12/16/1991 Responses to request for a memorandum on the applicability of an Illinois net operating loss carryover when a corporation changes from an "S" corporation to a "C" corporation.

BOOKS AND RECORDS

- IT91-324 12/05/1991 In general, records which substantiate any information reported on an Illinois income tax return should be retained until after the limitations period for issuance of a notice of deficiency with respect to that return has expired. Also, any instructions regarding the retention of records, for the income tax return filed by a taxpayer, should be followed.

BUSINESS INCOME

IT91-302 11/13/1991 A Chicago Board of Trade membership is intangible property and a gain from its sale is a capital gain. The gain on the sale of these memberships are allocated to the state from which the regular business activities were directed or managed.

CAPITAL GAIN (LOSSES)
(Also See Subtraction Modifications - Valuation Limitation)

IT91-273 10/07/1991 The gain or loss from the sale of rental property by an Illinois resident would be reflected in the taxpayer's adjusted gross income and tax accordingly.

IT91-279 10/15/1991 Discusses the Illinois income taxation of the non-business income of a nonresident individual.

IT91-302 11/13/1991 A Chicago Board of Trade membership is intangible property and a gain from its sale is a capital gain. The gain on the sale of these memberships are allocated to the state from which the regular business activities were directed or managed.

COMPENSATION

IT91-327 12/09/1991 Response to a questionnaire regarding the taxability of income earned by entertainers and professional athletes who are not residents of Illinois.

IT91-330 12/12/1991 Discusses the applicability of Illinois income tax to nonresident professional athletes. Attached questionnaire.

CONFIDENTIALITY

IT91-280 10/16/1991 §917(a) of the ITA prohibits the dissemination of taxpayer information in the absence of a proper judicial order.

IT91-296 11/05/1991 Authorizes release of taxpayer records pursuant to taxpayer authorization.

CREDITS - REPLACEMENT TAX INVESTMENT

BUSINESS INCOME

IT91-271 10/03/1991 Because the property was not acquired by "purchase" as defined in IRC §179(d), the taxpayer is not eligible for the Replacement Tax Investment Credit in ITA §201(e).

IT91-338 12/20/1991 An incidental or de minimis use of the computer system in question for non-retailing purposes would not disqualify the computer for the investment tax credit.

CREDITS - RESEARCH AND DEVELOPMENT

IT91-276 10/10/1991 The base period for determining the Research and Development credit is three tax years taxable immediately preceding the year for which the determination is being made.

ESTATES

IT91-325 12/05/1991 Discusses the procedure for obtaining a prompt assessment of income tax for a tax return in respect of a decedent, or by his estate during the period of administration, pursuant to Section 905(i) of the ITA.

ESTIMATED TAX

IT91-307 11/20/1991 A payment of estimated tax is to be credited against any unpaid required installments in the order in which such installments are required to be paid. Therefore, a subsequent payment will always be applied to an underpayment of an earlier quarter before being applied to the installment due.

IT91-331 12/12/1991 Discusses how an out-of-State taxpayer may pay estimated Illinois income tax by utilizing either Form IL-801 or Form IL-1120-ES.

EXEMPT ORGANIZATIONS

IT91-283 10/22/1991 An exempt organization having no unrelated business income is not required to file a Form IL-990-T.

IT91-295 11/04/1991 An organization whose income is exempt from federal income tax by reason of IRC §501(a) is subject to Illi-

DEPARTMENT OF REVENUE

1991 FOURTH QUARTER SUNSHINE INDEX

nois income tax only on its unrelated business taxable income, as determined by IRC §512.

IT91-301 11/13/1991 An organization which is exempt from Federal income tax by reason of Section 501(a) of the Internal Revenue Code, is exempt from Illinois income tax except for its unrelated business taxable income determined under Section 512 of the Internal Revenue Code. If the organization has such unrelated business taxable income it would file a Form IL-990T.

IT91-309 11/20/1991 An organization which is exempt from Federal income tax by reason of Section 501(a) of the Internal Revenue Code, is exempt from Illinois income tax except for its unrelated business taxable income determined under Section 512 of the Internal Revenue Code.

EXEMPTIONS

IT91-281 10/18/1991 Explains the Illinois subtraction modifications for pensions, social security payments and the special exemptions or reductions for persons age 65 or older.

IT91-304 11/14/1991 Discusses Public Act 86-1428 and its applicability to College Savings Program participants for income tax exemption purposes.

FEDERAL RETURNS

IT91-294 11/04/1991 Foreign corporation, as lessor of land in Illinois, has net income subject to Illinois income tax. The fact that it may not have to file a federal income tax return is immaterial.

IT91-341 12/30/1991 Discusses the proper method of filing taxes in the event receipts are destroyed. Refers to Illinois income tax requirements.

FORMS

IT91-311 11/21/1991 Response to a request for Illinois income tax forms.

INFORMATION REPORTS

DEPARTMENT OF REVENUE

1991 FOURTH QUARTER SUNSHINE INDEX

IT91-305 11/15/1991 There are no Illinois income tax requirements for informational reporting of the payment of interest to an Illinois resident or for mortgage interest paid by residents of Illinois to banks and other lending institutions.

INTEREST ON REFUNDS AND DEFICIENCIES

IT91-317 12/02/1991 Indicates that the interest rate on delinquent income tax is 9% per annum for the first half of 1992.

IT91-318 12/02/1991 Response to a request for tax instruction booklets as well as indicating that the interest rate for delinquent taxes for the period ending June 30, 1991 is 9% per annum.

LIENS

IT91-278 10/11/1991 Explains purpose of Notice of State Tax Lien and indicates that the deletion of the "demand language" in an older Notice is due to the fact there is no longer statutory authority for that language.

MILITARY

(Also See Subtraction Modifications)

IT91-289 10/28/1991 Indicates changes made in 1992 All State Income Tax Guide to include provisions for active duty military pay of residents (Public Act 87-339) and deduction for the veterans of the Persian Gulf War (Public Act 87-343).

IT91-315 12/02/1991 Compensation received by commissioned officer of U.S. Public/Health Service is not military pay unless conditions of 42 U.S.C. §217 exist. A nonresident Public Health Service Officer, absent from state of residence or domicile solely by reason of military or naval order on active duty, the Department will not deem income for services performed within Illinois to have a situs for taxation in Illinois. Salaries paid to Illinois residents who are commissioned officers of the United States Public Health Service are subject to Illinois income taxation to the same extent that they are subject to federal income taxation.

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a subsequent payment will always be applied to an underpayment of an earlier quarter before being applied to the installment due.

IT91-328 12/11/1991 The Department will abate the Section 804 penalty assessed against the taxpayer for the year ended December 31, 1990. Since neither the form instructions (1990 IL-1120-ES and 1989 IL-1120) nor Informational Bulletin FY 90-16 adequately informed taxpayers of the statutory changes to IITA Section 803 and Section 804, the Section 804 penalty will be abated.

IT91-329 12/11/1991 The Department will abate the Section 804 penalty assessed against the taxpayer for the year ended December 31, 1990. Since neither the form instructions (1990 IL-1120-ES and 1989 IL-1120) nor Informational Bulletin FY 90-16 adequately informed taxpayers of the statutory changes to IITA Section 803 and Section 804, the Section 804 penalty will be abated.

PENALTIES - REASONABLE CAUSE (IITA §1001)

IT91-277 10/10/1991 Waiver of §804 penalty for underpayment of estimated Illinois income tax under §804(f).

PENALTIES - UNDERPAYMENT OF TAX (IITA §1005)

IT91-277 10/10/1991 Waiver of §804 penalty for underpayment of estimated Illinois income tax under §804(f).

PENSIONS

(Also See subtraction Modifications)

IT91-310 11/20/1991 Section 203(a)(2)(F) of the IITA permits a subtraction from a taxpayer's adjusted gross income of amounts equal to all amounts received as a distribution pursuant to federally qualified IRC 403(b) and IRC 408 accounts.

PUBLIC LAW 86-272/NEXUS

IT91-274 10/08/1991 Partnerships leasing aircraft to Delaware corporation has nexus with Illinois since the aircraft will land in Illinois to load and unload freight or passengers. It is not

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IT91-286 10/25/1991 An Iowa corporation which patches and repairs damaged concrete panels in Illinois has nexus with Illinois.

IT91-300 11/07/1991 Discusses Illinois activities which exceed the minimum solicitation standard of Public Law 86-272.

IT91-303 11/13/1991 Based upon facts presented, Indiana corporation was subject to Illinois income tax.

IT91-315 12/02/1991 Compensation received by commissioned officer of U.S. Public Health Service is not military pay unless conditions of 42 U.S.C. §217 exist. A nonresident Public Health Service Officer, absent from state of residence or domicile solely by reason of military or naval order on active duty, the Department will not deem income for services performed within Illinois to have a situs for taxation in Illinois. Salaries paid to Illinois residents who are commissioned officers of the United States Public Health Service are subject to Illinois income taxation to the same extent that they are subject to federal income taxation.

IT91-316 12/02/1991 Based upon information in letter, company has sufficient nexus with Illinois to exceed "mere solicitation" standard.

IT91-322 12/04/1991 Discusses whether an out-of-State retailer has nexus for Illinois income tax purposes when it has catalogs printed by an Illinois printer.

IT91-332 12/13/1991 Discusses when a foreign corporation has sufficient nexus for Illinois income tax purposes and subject to Illinois income tax filing requirements.

IT91-340 12/26/1991 Discusses taxable nexus in regard to goods back hauled, drop shipments, consignments and inventory storage.

IT91-342 12/30/1991 Discusses whether certain activities of a salesman of a Tennessee corporation which solicits sales orders in Illinois will exceed the solicitation authorized by Public Law 86-272 thereby subjecting such sales to Illinois income tax.

IT91-343 12/30/1991 Contains a listing of activities which would create nexus for Illinois income tax purposes as well as a list of immune activities which would not.

RATE OF TAX

12/02/1991 Compensation received by commissioned officer of U.S. Public/Health Service is not military pay unless conditions of 42 U.S.C. §217 exist. A nonresident Public Health Service Officer, absent from state of residence or domicile solely by reason of military or naval order on active duty, the Department will not deem income for services performed within Illinois to have a situs for taxation in Illinois. Salaries paid to Illinois residents who are commissioned officers of the United States Public Health Service are subject to Illinois income taxation to the same extent that they are subject to federal income taxation.

IT91-315

S CORPORATIONS

11/07/1991 Discusses Illinois income taxation of limited Partnership or S Corporation.

IT91-297

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE

11/27/1991 The enterprise zone subtraction modification provided by ITA §203(a)(2)(J) and ITA §203(b)(2)(K) is for dividends paid by a corporation which conducts substantially all of its operations in an enterprise zone. The Department has previously ruled that if a business conducts 95% or more of its business operations in an enterprise zone, it will meet the "substantially all" test.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

10/18/1991 Explains the Illinois subtraction modifications for pensions, social security payments and the special exemptions or reductions for persons age 65 or older.

IT91-281

10/22/1991 Payments from and IRA account are subtractions (or deductions) from adjusted gross income and consequently are not subject to Illinois Income Tax.

IT91-282

10/28/1991 A distribution under the provisions of and IRC §457 Deferred Compensation Plan of a governmental agency or unit is an allowable subtraction (deduction) from the taxpayer's adjusted gross income.

IT91-310

11/20/1991 Section 203(a)(2)(F) of the ITA permits a subtraction from a taxpayer's adjusted gross income of amounts

12/16/1991 Response to inquiry regarding Illinois law regulating a common carrier which is going to deliver and pick up freight in Illinois.

IT91-336

Public Act 87-17, made certain revisions to Illinois income tax rates. The substance of this Act, in regard to corporate income tax rates, was to extend until July 1, 1993. The regular corporate rate of 4.8% at which time it is reduced to 4.4%. In addition to the regular 4.8% rate, there is an additional replacement tax rate of 2.5% placed on the same net income.

REFUNDS - STATUTE OF LIMITATIONS

(Also See Subtraction Modifications)

12/02/1991 Section 911(a)(1) of the Illinois Income Tax Act provides that a claim for refund is required to be filed not later than 3 years after the date the return was filed, or one year after the date the tax was paid, whichever is the later. There is no provision in the Illinois Income Tax Act for a waiver of the limitations imposed by the Act

IT91-320

REFUNDS - OTHER RULINGS (NOT INCLUDED ABOVE)

(Also See Subtraction Modifications)

12/04/9119 It is the Department's position that where a taxpayer has reached a finalized partial settlement/agreement with the Internal Revenue Service on one or more (but fewer than all) issues resulting in a change to base income, the taxpayer should report the agreed portion within the appropriate time period stated by ITA §506(b).

IT91-321

12/04/1991 Response to a request for comments on a proposed statute for reporting federal corporate income tax changes.

RESIDENCY/NONRESIDENCY

IT91-323

Claim for refund pursuant to ITA §911(b)(1) may be filed within two years after the date the notification was due (regardless whether notice was given). Amount recoverable is limited to overpayment resulting from recomputation of taxpayer's base income.

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equal to all amounts received as a distribution pursuant to federally qualified IRC 403(b) and IRC 408 accounts.

- IT91-334 12/13/1991 Response to a questionnaire regarding the taxability of contributions to IRC §125 cafeteria plans and IRC §401k plans.

SUBTRACTION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT91-272 10/07/1991 Publication 101 (Revised March 1991) contains a list of obligations whose income is exempt from Illinois income tax. This list is intended to be exclusive.
- IT91-275 10/09/1991 Discusses the subtraction modifications for amortizing bond premiums and for expenses and interest on debt incurred to purchase or carry municipal obligations.
- IT91-333 12/13/1991 Discusses the extent to which municipal interest or dividends may be deducted for Illinois income tax purposes.
- IT91-335 12/16/1991 Response to questionnaire regarding the taxability of income from municipal bonds.
- IT91-340 12/26/1991 Discusses taxable nexus in regard to goods back hauled, drop shipments, consignments and inventory storage.

UNITARY

(Also See Combined Unitary Return)

- IT91-313 11/25/1991 Limitation No. 1 contained in IIT Reg. §100.2750(c) could not be applied because each of the merged subsidiaries ceased to exist.

VOLUNTARY DISCLOSURE AGREEMENTS

- IT91-306 11/19/1991 A Voluntary Disclosure is a notification to the Department by a taxpayer or his representative prior to the Department opening an audit or investigation file that the taxpayer has failed to file returns or has filed erroneous returns in the past. It is the Department's policy to encourage and assist voluntary disclosures by taxpayers.

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WITHHOLDING - EMPLOYEE BENEFITS

- IT91-293 10/30/1991 There is no deduction for moving expenses in the computation of the taxpayer's taxable income for Illinois income tax purposes. Consequently, any payment made to an employee for moving expenses which will be included in the employee's adjusted gross income will be subject to Illinois income tax without any adjustment. If advances to employees are subject to federal withholding, they are subject to withholding for Illinois income tax purposes.
- IT91-319 12/02/1991 An amount equal to all amounts included in an individual's adjusted gross income pursuant to a federally tax-qualified plan or as a distribution under the provisions of any retirement or disability plan for employees of any government agency or unit are not subject to Illinois income tax withholding.

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT91-285 10/24/1991 The Department has determined that a "common paymaster" would be considered to be the employer of the persons to whom it pays wages under IRC §3401(d) and that a "common paymaster" under IRC §3121(s) can service in that capacity for Illinois income tax withholding purposes. The use of a "common paymaster" does not relieve the employer of his liability with regard to withholding if the "common paymaster" fails to comply with applicable provisions of the IITA and the regulations adopted thereto.
- IT91-290 10/28/1991 Form NUC-1 (Illinois Business Registration) serves as a registration for Illinois income tax purposes, including registering to withhold Illinois income taxes.

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AGENTS

- 91-0779 10/09/1991 If an auctioneer acts for a known principal who is not in the business of selling tangible personal property to purchasers for use or consumption, no Retailers' Occupation Tax would be due because the Act does not impose a tax on persons who are not engaged in the business of selling tangible personal property.
- 91-0783 10/11/1991 For the purpose of Retailers' Occupation Tax liability, an agent is deemed the owner of property held for sale where the true owner is undisclosed to the buyer at or before the time of purchase.

AGRICULTURAL PRODUCERS AND PRODUCTS

- 91-0821 10/28/1991 A racing club is not entitled to an exemption from The Use Tax when it purchases sand for use in its activities. Even if the Club was a "breeder of livestock", per Section 130.2100, there is no exemption for sand.

AUTOMOBILE RENTING TAX

- 91-0786 10/16/1991 If a company is engaged in the rental of automobiles for periods of one year or less, no tax is due on the purchase of the automobiles provided that company gives a proper certification to the seller.
- 91-0959 12/04/1991 When lessors purchase automobiles that they will rent for periods of one year or less, they do not owe Use Tax on the cars. When the lessor rents such automobiles under leases of one year or less, however, the rental receipts are generally subject to the Automobile Renting Occupation Tax (AROT). However, if the lessor rents such automobiles to a tax exempt purchaser (i.e., holder of a tax exemption identification number), the AROT does not apply. See Section 180.130.

BINGO

- 91-0763 10/04/1991 When an employer provides a "safety bingo" game as an incentive for employees to maintain a safe work record, where no

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consideration is paid for bingo cards, the game falls outside of the purview of licensure.

- 91-0874 11/14/1991 Unless bingo games are conducted in accordance with the provisions of the Bingo License and Tax Act, they constitute gambling. Transmission into Illinois, via cable TV, of bingo games conducted on Indian lands in Wisconsin, constitutes gambling in Illinois, unless the games have been authorized pursuant to the Bingo License and Tax Act.
- 91-0952 12/03/1991 Section 435.130(d)(4) reiterates statutory language that suppliers may not participate in the management or operation of a charitable games event. One limited exception is made to this rule, i.e., that a supplier may have one representative present at an event for the explicit purpose of ensuring that the supplier's equipment is damaged. Language in Section 435.170(b) of the rules that defines "participating in the management and operation" of an event and states that persons can be present to "provide security for the purpose of ensuring the integrity of the games" does not allow suppliers to maintain a presence at a game for this purpose. This is because Section 435.170, which is entitled "Restrictions and Limitations on the Conducting of Charitable Games," does not apply to suppliers, but only to those who can conduct charitable games. Suppliers cannot conduct charitable games. To the extent they are permitted a presence at the games, it is only in the manner and for the purposes permitted in Section 435.130(d)(4).
- 91-0997 12/16/1991 A bingo supplier who sells "bingo assembly kits and imprint sheets" (game sheets with several cards on them and paste-up numbers for use thereon to create a "master sheet"), as well as a blank blocked card sheet upon which to xerox the master sheet, makes sales for resale when such kits and imprint sheets are purchased by licensed bingo providers and organizations for resale to bingo players. Such sales are non-taxable, provided that the supplier obtains Certificates of Resale from his purchasers. If the bingo supplier operates exclusively as a wholesaler, he need not obtain Certificates of Resale.

CLAIMS FOR CREDIT

- 91-0750 10/03/1991 There is no requirement that a claimant pay interest to a vendee on the amount of tax it is required to repay a vendee as a condition of filing a claim for credit.

expenses relate to service charges, whether they are taxable depends on whether the serviceman separately breaks out the cost of property transferred (no taxability) or whether tax is based on 50% of the service bill (taxable). If the serviceman is de minimus, no tax will result. If the services are made pursuant to a maintenance agreement entered into on 9/18/90 or after, the charges are not taxable.

10/31/1991 The transfer of canned software under a license is nontaxable if the license agreement meets the requirements of 86 Ill. Adm. Code Section 130.1935(a)(1)(D).

11/01/1991 Discusses whether particular licenses of computer software are non-taxable.

11/08/1991 Financing agreement made by financing company for licensed software does not result in sales tax liability where financier does not take title to or possession of the software.

11/21/1991 In a sale of canned software that involves an initial charge along with subsequent charges for each use of the program, all of the charges, initial and transaction by transaction, are subject to tax.

11/21/1991 Fee for data conversion to format required by sale of canned software is not subject to tax so long as it is separately stated from the selling price of the canned software.

11/22/1991 In determining whether a license of software is taxable, a licensing agreement must generally meet all five requirements of Section 130.1935 (a)(1)(A-E). However, failure of a perpetual license agreement to meet the requirement that all copies must be returned or destroyed at the end of the license period will not make the agreement taxable, provided all the other requirements of the regulation are present.

11/26/1991 All licenses of software since software first became taxable on October 1, 1989 are tax-exempt if they meet the requirements of Section 130.1935(1)(a)(A-E). While subsections (A), (B), (C) and (E) must be explicitly stated in the license agreement, the requirement of subsection (D) can be met if the licensor can provide evidence that its policy is to provide another copy of the software at minimal or no charge if the licensee loses or damages the software.

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10/24/1991 The ROT contains no provision for refunding the tax paid by a customer after there has been a settlement from a manufacturer on a "lemon" automobile pursuant to the New Car Buyer Protection Ad.

11/19/1991 If a customer buys for resale, but does not provide the retailer with a certificate of resale at the time the purchase is made, the retailer must charge tax on the sale. However, if the customer later provides the retailer with a valid certificate of resale, the retailer may refund the customer's tax to him and apply for a credit with the Department. The fact that the resale certificate is provided at a later date does not invalidate its use as documentation for a claim for credit.

12/02/1991 Discusses who has standing to file claims for credit.

12/03/1991 Claims for credit are subject to the statute of limitations set forth in Section 6 of the ROT.

12/04/1991 Discusses the time limitations on filing claims for credit.

COMPUTER SOFTWARE

10/03/1991 Separately-agreed charges for data conversion, installation and training are not subject to Retailers' Occupation Tax.

10/21/1991 Service or maintenance agreements for computer software are treated in same manner as other maintenance agreements.

10/28/1991 A license agreement which does not meet all the terms of Section 130.1935(a)(1)(A-E) is a taxable sale of software. Subsection (D) (seller provides another copy of software at minimal or no charge if customer loses or damages the software) is not fulfilled by a service agreement which provides for updates of software.

10/29/1991 Employee travel expenses, if part of the selling price of canned software, are taxable. If the travel occurs as part of installation services for canned software, and there is a separate agreement for installation, such charges are not taxable. If the

91-0829

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- 91-0945 12/02/1991 Illinois Retailers' Occupation Tax and Use Tax are imposed upon the retail transfer of tangible personal property in this state. Tangible personal property includes data contained on magnetic tapes, discs, cards or similar media.
- 91-0963 12/05/1991 Unless a software license agreement contains provisions that meet all the terms of Section 130.1935 (a)(1)(A-E), it is a taxable sale of software. If the requirement of Section 130.1935(a)(1)(D), i.e., the vendor will provide another copy at minimal or no charge if the customer loses or damages the software, is not contained in a provision in the agreement, the vendor can still meet this requirement if he can show by other evidence that this is in fact his policy.
- 91-0986 12/12/1991 In order to be non-taxable, a license of canned computer software must contain the elements required by Section 130.1935(a)(1).
- 91-0992 12/16/1991 Other evidence that a vendor will provide another copy of the software at minimal or no charge if the customer loses or damages the software, may not be used to attempt to negate a specific provision of the license to the opposite effect.
- 91-0996 12/16/1991 Charges associated with mandatory maintenance, support, updates, telephone assistance, warranties and consultation are subject to tax regardless of whether they are separately stated from the selling price of "canned software."
- CONSTRUCTION CONTRACTORS**
- 91-0736 10/01/1991 Discusses sales to a construction contractor of items incorporated into realty owned by a municipality.
- 91-0802 10/18/1991 A construction contractor does not incur ROT liability as to receipts from labor furnished and tangible personal property (materials and fixtures) incorporated into a structure when furnished and installed as an incident of a construction contract.
- 91-0808 10/21/1991 Purchase of tangible personal property by contractor for incorporation into realty where the realty is privately owned is not exempt from tax, although the purchase was funded by a grant received from the State of Illinois.

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- 91-0832 10/30/1991 Tile sellers who, as part of the selling price of their product, permanently affix tile to real estate, are construction contractors, and owe tax based on their cost price of materials they incorporate into real estate.
- 91-0867 11/12/1991 When construction contractors purchase items of tangible personal property that they permanently affix to realty, they pay Use Tax to their supplier. This is because the contractors are deemed to be the users of the tangible personal property that is permanently affixed to the realty.
- 91-0893 11/19/1991 Pursuant to Section 130.2075, contractors permanently installing tangible personal property into real estate owned by an organization holding an "E number" can purchase the installed materials tax-free. Such contractor must present the organization's "E number" to its supplier and make the certification described in Section 130.2075(d)(4). Purchases made by cities can also be made tax-free as long as the purchasing entity provides its supplier with its "E number".
- 91-0953 12/03/1991 Construction contractors who purchase weatherization materials for incorporation into privately-owned homes under a governmental body's weatherization program cannot buy those materials tax-free. In order to make tax-free purchases of weatherization materials, the contractors must incorporate those materials into real estate owned by the governmental body. Since this is not the case, the contractors owe Use Tax on the materials they are incorporating into real estate.
- 91-0975 12/10/1991 If a contractor/retailer makes retail sales as well as acting as a contractor and it is impracticable at the time of purchasing such tangible personal property for such a business to determine in which way it will dispose of such property the business may certify to its vendor that it is buying all of the items for resale and thereafter account to the Department for the tax on disposing of such property.
- 91-0993 12/16/1991 When a landscaper transplants plants into the land of a purchaser, the transaction is not subject to the Retailers' Occupation Tax. In this situation, the seller functions as a construction contractor and incurs a Use Tax liability on the cost price of the items affixed to the purchaser's real estate.

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- 91-0993 12/16/1991 When a landscaper transplants plants into the land of a purchaser, the transaction is not subject to the Retailers' Occupation Tax. In this situation, the seller functions as a construction contractor and incurs a Use Tax liability on the cost price of the items affixed to the purchaser's real estate.

bought from a retailer located in the municipality (or the unincorporated area of the county which created the enterprise zone) which created the enterprise zone into which the materials are to be incorporated. The purchaser must provide the retailer with the certification described in Section 130.1951(a)(3).

11/04/1991 A deduction for ROT liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an enterprise zone by remodeling, rehabilitation or new construction. The retailer of qualifying building materials must be located in the municipality or unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated.

11/15/1991 In order to qualify for the deduction from the ROT for gross receipts from sales of building materials that will be incorporated into real estate in an enterprise zone, the tangible personal property must be purchased from a retailer located in the municipality or unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated.

11/21/1991 A microwave or other built-in appliance purchased from a retailer located in the municipality creating the enterprise zone, which will be physically incorporated into real estate located in the zone, qualifies for exemption from tax. To be considered physically incorporated into realty, the microwave must meet two tests. The microwave must be physically incorporated into real estate -- that is, it must be permanently attached to realty. If it is bolted into cabinetry which is bolted to the realty, it is considered to be physically attached. The microwave must also be hardwired into the structure's electrical system in order to be considered "physically incorporated."

11/26/1991 Sales of building materials that will be incorporated into real estate located in an enterprise zone can be made tax-free if: 1) Made by a retailer registered to allocation in the municipality or unincorporated area of the county that created the zone into which the materials will be incorporated, and 2) The retailer obtains proper certification from the purchaser that the sale is tax-exempt (see Section 130.1951(a)(3)(A-R) for certification requirements).

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91-0881

91-0919

91-0930

11/15/1991 Mail order delivery charges are deemed to be agreed upon separately from the selling price of the tangible personal property being sold so long as the mail order requires a separate charge for delivery and so long as the charges designated as transportation or delivery or shipping are actually reflective of the costs of such shipping, transportation or delivery.

11/20/1991 In the context of a mail order purchase, mail order delivery charges are deemed to be agreed upon separately from the selling price of the tangible personal property being sold so long as the mail order requires a separate charge for delivery and so long as the charges designated as transportation or delivery or shipping are actually reflective of the cost of such shipping, transportation or delivery.

12/26/1991 Mail order delivery charges are deemed to be agreed upon separately from the selling price of the tangible personal property being sold so long as the mail order requires a separate charge for delivery and so long as the charges designated as transportation or delivery or shipping and handling are actually reflective of the costs of such shipping, transportation or delivery.

10/21/1991 Special exemption for certain business located in enterprise zones from taxes on gas, electric, water and sewer are set out in the Illinois Revised Statutes Ch. 111.2/3 Para. 9 - 222.1.

10/22/1991 A retailer located in the municipality or unincorporated area of a county that has established an enterprise zone can make tax-free sales of building materials that will be incorporated into real estate located in that enterprise zone. Construction contractors with their own inventory cannot make sales to themselves of building materials and claim this exemption.

10/29/1991 Pursuant to Section 130.1951, a purchaser of building materials that will be incorporated into real estate located in an enterprise zone can purchase such materials tax-free if they are

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DELIVERY CHARGES

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- 91-0938 11/27/1991 This letter discusses the exemption requirement that building materials must be purchased from a retailer located within a jurisdiction which created the enterprise zone into which the materials will be incorporated.
- 91-0979 12/11/1991 In order to qualify for exemption, materials incorporated into real property located in an enterprise zone must be purchased from a retailer located within a jurisdiction which created the enterprise zone.
- 91-0980 12/11/1991 Rock Island was designated an Enterprise Zone on July 1, 1985.
- 91-0995 12/16/1991 A deduction from Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an enterprise zone by remodeling, rehabilitation or new construction. However, this deduction exists only where the materials are sold by a retailer located in a jurisdiction which created the enterprise zone into which the materials will be incorporated.

EXEMPT ORGANIZATIONS

- 91-0924 11/22/1991 Sales of fuel to an exempt municipal airport will not be subject to tax even when the fuel is stored with private airline fuels in a common tank.

FARM MACHINERY & EQUIPMENT

- 91-0803 10/16/1991 Power washers do not generally qualify for the farm machinery and equipment exemption.
- 91-0805 10/21/1991 Automatic stock waterers (powered by electricity or water pressure and built into a permanent plumbing system) and water pumps serving production areas may qualify for the agricultural machinery and equipment exemption.
- 91-0888 11/18/1991 Poured concrete vats used to store animal waste or slurry do not qualify for the farm machinery and equipment exemption.

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- 91-0940 12/02/1991 Retailers may accept blanket Farm Machinery and Equipment certificates but have the responsibility to obtain and must maintain the certificates as part of their books and records.
- 91-0955 12/03/1991 Grain dryers used on farm may qualify for the farm machinery and equipment exemption.
- FOOD
- 91-0846 11/04/1991 Application of Illinois Administrative Code Sec. 130.310 to convenience stores with and without seating.
- 91-0861 11/08/1991 Current standards provide that food items not prepared for immediate consumption by the retailer and not sold within the vicinity of facilities such as tables, chairs or benches, incur the low tax rate of 1%.
- 91-0869 11/12/1991 No list of taxable/nontaxable grocery items available, must refer to 86 Ill. Adm. Code 130.310.
- 91-0932 11/26/1991 Discusses the taxation of food both at the high rate and low rates of tax.
- 91-0934 11/26/1991 Food prepared by a retailer for immediate consumption is subject to the high rate of tax. However, food that is not prepared for immediate consumption, is subject to the low rate of tax.
- 91-0951 12/03/1991 Illinois Administrative Code Sec. 130.310 explains in general what food items qualify for the low rate of tax. (Low Rate- 1% plus applicable local taxes.) Specifically, where a retailer packages or prepares food primarily in single serving sizes for immediate consumption, the sale is subject to the high rate of tax.
- 91-1005 12/18/1991 Discusses the taxation of sales of food from vending machines.
- GRAPHIC ARTS
- 91-0748 10/02/1991 Machinery and equipment that physically prepares a final image for a printing process, such as final photocomposition or color separation process equipment, is eligible for the Graphic

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receipts. Charges for resubmission of a bounced check are not includable in gross receipts, since they represent fees for a retailer's services in processing and resubmitting a check, rather than for charges related to the selling price of the property sold. Set-up charges are part of a seller's gross receipts because they represent one of his costs of selling that merchandise. Section 130.410 states that a retailer's costs of doing business are always includable in his gross receipts.

- 91-0906 11/20/1991 Taxes due from a conditional sale are due when each periodic payment is made.
- 91-0925 11/22/1991 The Retailers' Occupation tax provides that tax be measured by the seller's gross receipts from the sale of tangible personal property. Gross receipts is defined as the consideration actually received by the seller.
- 91-0973 12/10/1991 The Retailers' Occupation Tax is imposed upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption.
- 91-0984 12/11/1991 The documentary service fee charged customers by automobile dealers for remitting applications for title and registration to the Secretary of State must be included in the gross receipts subject to the ROT.
- 91-0991 12/13/1991 If a taxpayer filing returns on a gross sales method decides to change to a gross receipts method of filing, he must utilize the "wash-out" procedure described in Section 130.401 to effect the change.
- 91-1001 12/17/1991 If a seller charges his customer for incoming freight costs, these costs cannot be deducted from his gross receipts. They represent costs of doing business, and cannot be deducted in computing his Retailers' Occupation Tax. This result does not change, even if the seller quotes and bills these costs to his customer separately from the selling price of the tangible personal property being sold.
- 91-1006 12/18/1991 Purchases made with personal care allowance funds by or on behalf of residents of long-term care facilities, are subject to tax.
- 91-1014 12/20/1991 Deductible amount paid by purchaser of service contract toward repair cost is not subject to tax.

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- 91-1028 12/26/1991 Costs of doing business are not deductible in computing Retailers' Occupation Tax liability.

HOTEL OPERATORS TAX

- 91-0753 10/03/1991 Requirements for permanent resident exemption.
- 91-0757 10/03/1991 Employer furnishing free meals to employees incurs Use Tax rather than Retailers' Occupation Tax.
- 91-0762 10/04/1991 Responses to survey.
- 91-0856 11/06/1991 It has been the Department's position, since at least 1964, that "room or rooms" in the definition of permanent residents in the Hotel Operators' Occupation Tax Act means a specific room or rooms.

INTEREST

- 91-1010 12/19/1991 Any amount of tax which is not paid when due shall bear interest at the rate of 1 1/4% per month or fraction thereof from the date when such tax becomes past due until such tax is paid or a judgment therefor is obtained by the Department.

INTERSTATE COMMERCE

- 91-0817 10/24/1991 Where tangible personal property is located in this State at the time of its sale and then delivered in Illinois to the purchaser the seller is taxable if the sale is at retail.
- 91-0928 11/25/1991 If an Illinois printer, registered under the Service Occupation Tax Act, delivers materials to an Illinois agent of an out-of-State purchaser for mailing outside Illinois, the interstate commerce exemption cannot be claimed and the sale is taxable under the SOT. If, however, a registered Illinois printer subcontracts with an Illinois serviceman to mail out the items outside Illinois, the printer can claim the interstate commerce exemption. The critical issue here is whether or not there is a contractual relationship between the out-of-State purchaser and the mailing house that exists to create an agency relationship. If the printer is de minimus, however, he cannot claim the

on a conditional sale lease are taxable under the ROT. To the extent that the first three months is a true lease, the demonstration use exemption will apply, provided the provisions of section 150.306 are met. As a result, no Use Tax will be due on the leased equipment.

11/21/1991 A company buying equipment for its use and paying tax on it, which then sells the equipment to another company in a sale-leaseback arrangement, can claim the occasional sale exemption if it is not in the business of selling tangible personal property of like kind and character at retail. Its customer (lessor) would not then owe Use Tax. To the extent that an R-number holder properly purchases and similarly resells such equipment, he, too, could claim the occasional sale exemption.

11/21/1991 This letter discusses the effect of nominal buy-out clauses and fair market value buy-out options on lease agreements with an out-of-state rental company.

11/22/1991 Discusses the differing tax treatment of true leases and conditional sales.

12/02/1991 Lessor of automobiles under 15 month leases owes Use Tax based on purchase price of the automobiles.

12/09/1991 When a financial institution executes a Finance Lease which serves merely as a debt financing instrument, wherein the institution (Lessor) does not have title to the equipment leased, but only holds a first priority security interest in the equipment leased by the Lessee, who holds title to the equipment, the Lessor has no tax liability. Rather, the vendor selling the equipment to the Lessee incurs a Retailer's Occupation Tax liability, and the Lessee owes Use Tax.

12/11/1991 With the exception of leases of automobiles under lease terms of one year or less, rental receipts from leases of tangible personal property under true leases, are not subject to Illinois sales tax liability.

12/12/1991 Under Illinois law, lessors are deemed to be the users of the tangible personal property which they lease. Lessors incur Use Tax and applicable local occupation tax reimbursement liabilities based on the cost price of items purchased for rental purposes.

Interstate commerce exemption, because he owes Use Tax on the cost price of the materials he transfers incident to service.

12/03/1991 Sales and deliveries of tangible personal property to consumers outside this state are exempt from tax under the Interstate Commerce Exemption so long as the provisions of 86 Ill. Adm. Code 130.605 are present.

12/10/1991 A sale is not in interstate commerce not withstanding the fact that the customer may, after receiving physical possession of the property in this state, transport or send the property out of the state.

LEASING

91-0740 10/01/1991 Lessor of computer hardware owes Use Tax on the cost price of the hardware.

91-0788 10/16/1991 When a lessor purchases an automobile from a dealer for rental purposes the lessee's vehicle may be provided as a trade-in against the price of the leased vehicle so long as the dealer is able to document that this is all part of the same transaction.

91-0797 10/18/1991 In the circumstance described, the lease of an automobile is a conditional sale for purposes of the IL sales tax laws.

91-0810 10/21/1991 Lease agreement was a true lease. Lessor owes Use Tax when item acquired to rental purposes.

91-0844 11/04/1991 Lessors of tangible personal property under true leases are deemed to be the users of that property and incur an Illinois Use Tax liability when they acquire tangible personal property for lease purposes.

91-0900 11/20/1991 Discusses the application of informational Bulletin 86-54.

91-0913 11/21/1991 A lease allowing a lessee to rent for three months (as a trial period) for a fixed fee and to cancel at any time therein, which at the fourth through sixty-third months becomes binding, with a one dollar buy-out option at month 63, is treated as a conditional sale. All receipts identified to the purchase price

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LOCAL TAXES

- 91-0761 10/04/1991 It is the Department's position that seller's acceptance of the purchase order or other contracting action is the most important single factor in the occupation of selling.
- 91-0767 10/04/1991 In determining the selling location for purposes of determining the applicability of locally imposed taxes, the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling.
- 91-0777 10/09/1991 An out-of-State retailer who solicits orders in this State from a Chicago office, but who transmits the purchase orders to Xxxx for acceptance, is not subject to the Chicago HRMROT. Instead, he has an obligation to collect the Illinois Use Tax from his Illinois customers and remit it to the Department.
- 91-0787 10/16/1991 The Home Rule Municipal Retailers' Occupation Tax applies to retail sales made in a jurisdiction imposing the tax. The most important element in selling is acceptance of the purchase order; as a result, if purchase orders are accepted in a jurisdiction imposing a Home Rule Municipal Retailers' Occupation Tax, the tax will apply to those sales.
- 91-0811 10/22/1991 If a retailer located in a jurisdiction imposing a HRMROT or RTA Tax asks his customer for reimbursement for his local tax liability, the customer should pay such amount. If the customer refuses to pay this reimbursement, the seller's recourse is to sue the buyer. In any event, the seller is still liable to the State for its HRMROT or RTA Tax.
- 91-0815 10/23/91 The proper tax rate is based upon the location at which a retailer accepts purchase orders.
- 91-0827 10/29/1991 Deliveries made after the effective date of a newly-imposed tax are taxable at the new rate. However, in the case of construction contractors purchasing building materials for use in performing construction contracts for third persons, if such materials are delivered to the contractor after the effective date of the new tax, but the materials are used in performing a binding construction contract which was entered into before the effective date of the increase and in which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the

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applicable tax rate will be the rate which was in effect before the effective date of the new tax. The supplier must obtain a written, signed certification from the contractor establishing his right to claim the lower rate of tax.

- 91-0828 10/29/1991 If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within the metropolitan region at the time of its sale (or is subsequently produced in the region), then delivered in Illinois to the purchaser, the sell will be considered to be engaged in the metropolitan region for RTA ROT purposes with respect to such sale.
- 91-0848 11/05/1991 Discusses whether a purchaser of an airplane is liable for RTA Use Tax.
- 91-0864 11/12/1991 Effective September 1, 1990, the Illinois Department of Revenue assumed responsibility for administration and enforcement of locally imposed Home Rule Retailers' Occupation Taxes.
- 91-0890 11/18/1991 The tax rate to be charged by a riverboat gambling boat on sales of tangible personal property is the rate in effect at the location where the boat is docked.
- 91-0897 11/20/1991 The seller's acceptance of the purchase order is the most important single factor in the occupation of selling for purposes of determining local tax jurisdiction.
- 91-1008 12/19/1991 The most important single factor in determining where the occupation of selling occurs is purchase order acceptance.
- 91-1032 12/27/1991 The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.
- MANUFACTURERS**
- 91-0819 10/24/1991 Inventory withdrawn by a manufacturer for internal use is subject to Use Tax based upon the manufacturer's cost price of the tangible personal property withdrawn.

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91-1017 12/20/1991 A garbage sorting operation that sorts resalable garbage for resale is not manufacturing.

MEDICAL APPLIANCES

91-0741 10/01/1991 This letter discusses the application of the Travenol case to various items sold by a medical supply house.

91-0744 10/02/1991 Radiography equipment is not a medical appliance.

91-0745 10/02/1991 Discusses whether various items qualify as medical appliances.

91-0746 10/02/1991 This letter requests an evaluation as to whether certain items qualify as medical appliances subject to the low rate of tax.

91-0758 10/03/1991 Feminine napkins, pads and tampons are considered "medical appliances" and are taxable at the reduced rate.

91-0918 11/21/1991 Disposable surgical tubing attached to the surgical handpiece component of phacoemulsification equipment used to remove cataracts, as well as an ultrasonic tip placed on the handpiece, are not "medical appliances" and are subject to the full rate of tax. To be a medical appliance, an item must directly substitute for a functioning part of the human body. Surgical tools and equipment do not substitute for functioning parts of the body. If an out-of-state company maintaining a place of business in this State performs repair services on such equipment at an out-of-state location, it is required to collect the Service Use Tax on repairs made for Illinois customers.

91-0929 11/26/1991 The only type of testing equipment which qualifies for the low rate of tax is "insulin, urine testing materials, syringes, and needles used in treating diabetes in human beings." This exemption is specifically conferred by Section 2 of the Retailers' Occupation Tax. "Medical appliances" are only those items which directly substitute for a malfunctioning part of the human body, and do not include diagnostic testing equipment. As a result, testing equipment such as thermometers or blood pressure kits, do not qualify for the low rate of tax.

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91-1033 12/31/1991 Sales made to Medicare and Medicaid are exempt from State sales tax as sales to a governmental body.

MISCELLANEOUS

91-0765 10/04/1991 Taxpayer who mistakenly paid "tax" to unregistered out-of-State seller is obligated for penalties and interest despite his mistaken belief he properly remitted tax.

91-0776 10/09/1991 Questions about how to fill out form NUC-1.

91-0795 10/17/1991 Request for graphic arts machinery and equipment information.

91-0800 10/18/1991 Question 12 of Section 2 of the Business Registration Application imposes no liability on anyone. That questions only seeks the identity, and the signature, of the person or persons who will be responsible for filing returns and paying taxes on behalf of the corporation. The imposition of a penalty in an amount equal to the corporation's unpaid liabilities is authorized by Section 13 1/2 of the ROT and that section is conditioned upon the responsible officer of employee wilfully failing to file or pay.

91-0801 10/18/1991 Question 12 of Section 2 of the Business Registration Application imposes no liability on anyone. That questions only seeks the identity, and the signature, of the person or persons who will be responsible for filing returns and paying taxes on behalf of the corporation. The imposition of a penalty in an amount equal to the corporation's unpaid liabilities is authorized by Section 13 1/2 of the ROT and that section is conditioned upon the responsible officer of employee wilfully failing to file or pay.

91-0824 10/29/1991 Retailers making sales of tangible personal property to federally-chartered credit unions are not able to reimburse themselves for ROT which they incur as a result of making sales to such purchasers, because federally-chartered credit unions are exempt from Use Tax liability, pursuant to federal statute, when making purchases of tangible personal property for users consumption.

91-0825 10/29/1991 Request for completed audit information.

91-0847 11/05/1991 The motor fuel tax does not apply to aviation gasoline.

91-0872 11/13/1991 Discusses Motor Fuel Tax refund issue.

91-0927 11/25/1991 A refining company which receives crude oil from an out-of-state entity, refines it, then returns it to that entity, acts as a serviceman, and incurs an SOT liability of the property, if any, transferred incident to service.

91-1011 12/19/1991 Claims for Refund must be supported by positive proof of the exact amount of motor fuel not used for a taxable purpose. Claims which are not supported by such proof, but are rather based on estimated off-road use, will not be approved.

NEXUS

91-0868 11/12/1991 Out of state retailers must determine their tax liability, if any, based upon their contacts with state.

91-0877 11/14/1991 If an out-of-state company which operates retail stores in Illinois owns or controls an out-of-state wholesale division that also makes Illinois sales in the same type of business as the retail stores in Illinois, the wholesale division must register and remit Use Tax on its taxable Illinois sales. If it operates exclusively on a wholesale basis, there will be no taxable sales and no need to register.

91-0880 11/14/1991 A retailer's tax liability is determined by the contact it has with this state and whether that contact is sufficient to create the nexus required to subject the retailer to Illinois tax law.

91-0889 11/18/1991 Out of state retailers must determine their tax liability, if any based upon their contacts with state.

91-0933 11/26/1991 Request for information.

OCCASIONAL SALE

91-0855 11/06/1991 Discusses whether a sale of salvaged bridge beams by a construction contractor qualified as an occasional sale.

91-0841 11/04/1991 Taxpayers must not rely on verbal opinions from Department employees but will be protected only if the opinion from the Department is in writing.

91-0903 11/20/1991 Sale of tickets to sporting event or musical performance, etc. is not a sale of tangible personal property and therefore is not subject to the ROT.

91-0944 12/02/1991 Response to survey.

91-0957 12/04/1991 Even if a store owner owns the property in a vending machine, he will not incur a retailer's occupation tax liability on it if he has no control over or right of access to the articles in the machine located on his premises, and if he has no access to the gross receipts in the machines and no right to remove receipts without the consent of the owner of the machines. Under these circumstances, the owner of the vending machine will incur a retailer's occupation tax liability.

91-0977 12/11/1991 Because of the nature of the grocery business, it is more convenient for some large grocers to operate on a sales tax recordkeeping basis of every 4 weeks rather than on the traditional monthly basis required of every other retailer. In order to accommodate this need, the Department of Revenue authorizes these large grocers to keep their sales tax records on the basis of 4 week periods, rather than the monthly periods.

91-0998 12/16/1991 Request for general information about Uniform Sales and Use Tax Certificate Multijurisdiction; use of state issued forms; reproductions of original records; microfilm & microfiche records; exemption certificate; direct pay permit; service contracts; conditional sales; computer-generated laser printed sales and use tax returns; shipping and handling charges; taxability of labor, repairs and installation; exemption of computers; and, purchase orders in lieu of a certificate.

91-1029 12/26/1991 Explains standard drop shipment situation in Illinois.

MOTOR FUEL TAX

91-0838 09/26/1991 Refunds for off-highway usage must be supported by positive proof of the exact amount of motor fuel not used for a taxable purpose. Claims based solely on estimates will not be approved.

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- 91-0887 11/18/1991 Sale of a boat that the seller won on a television game show is an isolated or occasional sale.
- 91-1030 12/26/1991 Under the facts presented, the sale of salvaged bridge beams was not an occasional sale and therefore, was subject to tax.
- PENALTIES**
- 91-1019 12/20/1991 Question 12 of Section 2 of the Business Registration Application imposes no liability on anyone. That question only seeks the identity (and the signature) of the person or persons who will be responsible for filing returns and paying taxes due on behalf of the corporation. The imposition of a penalty in an amount equal to the corporation's unpaid liabilities is authorized by Section 13 1/2 of the ROT and that Section is conditioned upon the responsible officer or employee willfully failing to file or pay.
- 91-1020 12/20/1991 Question 12 of Section 2 of the Business Registration Application imposes no liability on anyone. That question only seeks the identity (and the signature) of the person or persons who will be responsible for filing returns and paying taxes due on behalf of the corporation. The imposition of a penalty in an amount equal to the corporation's unpaid liabilities is authorized by Section 13-1/2 of the ROT and that Section is conditioned upon the responsible officer or employee willfully failing to file or pay.
- POLLUTION CONTROL FACILITIES**
- 91-0747 10/02/1991 Discusses the scope of the pollution control facilities exemption.
- 91-0749 10/03/1991 If a downdraft spray booth will be used primarily to control overspray pollution, it qualifies as a pollution control facility. Purchasers of such a system should provide suppliers with certifications of the booth's primary purpose as a pollution control facility.
- 91-0837 10/31/1991 Discusses whether various items qualify for the pollution control facility exemption.

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- 91-0941 12/02/1991 Trucks used to transport hazardous waste to a disposal transfer station do not qualify for the pollution control facilities exemption because they do not reduce or eliminate waste, but only transport it.
- 91-0999 12/17/1991 Discusses the scope of the exemption applicable to pollution control facilities.
- 91-1003 12/18/1991 Office buildings for administration of facilities do not qualify for the pollution control exemption.
- 91-1007 12/18/1991 Discusses claims for credit and the Illinois Appellate court decision in Wesko Plating v. IL Department of Revenue.
- 91-1009 12/19/1991 A device which grinds up needles that may be contaminated with infectious/hazardous hospital wastes does not constitute a pollution control facility. It is not sold for the primary purpose of reducing air or water pollution, nor does the device treat or dispose of the hazardous waste. Needles are ground up, but the infectious waste in them is in no way affected by the device.
- 91-1012 12/20/1991 The phrase Pollution Control Facility means any system, method, construction, device or appliance appurtenant thereto sold, used or intended for the primary purpose of pollution control.
- 91-1018 12/20/1991 Device used in removing refrigerant from cooling system and avoiding the venting of refrigerant into the atmosphere, can qualify for the exemption available for pollution control facilities.
- 91-1026 12/26/1991 Trash compactor does not qualify as a pollution control facility.
- PRODUCTS OF PHOTOPROCESSING**
- 91-0792 10/17/1991 Products of photoprocessing are subject to Retailers' Occupation Tax unless a valid exemption can be documented by the seller.
- 91-0969 12/09/1991 In transactions in which the products of photoprocessing are sold in conjunction with other services, if a

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SALE AT RETAIL

- 91-0834 10/31/1991 The self publishing and sale of a pamphlet is a sale at retail and is subject to the Retailers' Occupation Tax.
- 91-0852 11/05/1991 The sale of comic books which are published at least bi-annually is exempt from Retailer's Occupation Tax under the newsprint and ink exemption.
- 91-0858 11/07/1991 Sales of magazines under Sec. 130.2105 are exempt from Retailers' Occupation Tax.
- 91-0860 11/08/1991 Ticket, tags and labels sold to Illinois retailers for pricing merchandise are subject to Illinois sales tax.
- 91-0866 11/12/1991 Sale at Retail means any transfer of the ownership of or title to tangible personal property to a purchaser, for the use or consumption, and not for the purpose of resale in any form as tangible personal property to the extent not first subject to a use for which it was purchased, for a valuable consideration.

SALE FOR RESALE

- 91-0742 10/01/1991 In order to document the resale situation, the purchaser should provide the seller with a Certificate of Resale that complies with the requirements of Section 130.1405.
- 91-0751 10/03/1991 Proper documentation for sales for resale is set out at 130.1405, direct-pay permits not recognized in Illinois.
- 91-0773 10/08/1991 In order to document the resale situation, a buyer must give the seller a valid certificate of resale that complies with the requirements of Section 130.1405 of the Department's rules.
- 91-0775 10/08/1991 In order to document the resale situation, it is necessary for the purchaser to provide the seller with a valid certificate of resale that complies with the requirements of Section 130.1405.
- 91-0778 10/09/1991 In a Drop Shipment situation (seller with nexus to Illinois, purchaser out-of-State with no nexus, customer in Illinois), the purchaser must provide the seller with a

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- Certificate of Resale. Since he will likely not require or have a registration number, he may obtain a resale number and provide it in conjunction with the Certificate of Resale. Also, if he has neither a resale nor registration number, he may provide the seller with a Certificate of Resale that contains "other evidence" that his purchase is for resale. Auditors are more likely to scrutinize such other evidence, however.
- 91-0814 10/23/1991 Discusses resale situation and requirements for certificate of resale.
- 91-0831 10/29/1991 When a seller registered in Illinois drop-ships merchandise in Illinois to an out-of-State retailer's customer, the seller must either obtain a valid Certificate of Resale from the out-of-State retailer or charge such retailer tax. If the out-of-State retailers, as usual, has no registration number, he can provide a resale number to the seller on his Certificate of Resale, or can produce "other evidence" that the sale is for resale.
- 91-0863 11/08/1991 Sale of packing list envelopes which are attached to boxes that are transferred to customers is a sale for the use or consumption of the purchaser and not for resale to the customers.
- 91-0870 11/12/1991 This letter dismisses the requirements for a Certificate of Resale.
- 91-0879 11/14/1991 Unless an Illinois retailer has properly documented an exemption in connection with a retail sale, the retailer is liable for Retailers' Occupation Tax.
- 91-0947 12/02/1991 Suppliers of fast food restaurants must charge tax on those paper items (napkins, cups, drinking straws, plates) that will be used by the restaurant on-premises in lieu of more durable dinnerware. The same items which will be used in the business' carry-out or delivery business can be purchased tax-free as sales for resale. See Section 130.2070.
- 91-1013 12/20/1991 In order to document the resale situation, the buyer must provide the seller with a Certificate of Resale that complies with the requirements of Section 130.1405 of the Department's rules.

91-0956 12/04/1991 Discusses the rights and obligations of a secondary serviceman engaged in the fabrication of contact lenses.

91-0961 12/04/1991 When a serviceman is over the threshold for the Service Occupation Tax, he does not have an option of paying tax to his suppliers or self-assessing Use Tax.

91-0967 12/09/1991 The Service Use Tax is a privilege tax imposed on the privilege of using, in this State, tangible personal property that is received anywhere as an incident of a purchase of service from a serviceman.

91-1002 12/17/1991 If a serviceman enters into an agreement to provide repair service for a particular machine for a stated period for a predetermined fee, the serviceman shall pay tax to his supplier on the cost price of tangible personal property transferred incident to the completion of the maintenance agreement.

91-1016 12/20/1991 Discusses the tax consequences of repairs made under new car warranties.

SELLERS OF NEWSPAPERS, MAGAZINES, ETC.

91-0898 11/20/1991 In making the determination as to whether a publication qualifies as a magazine for purposes of the exemption from tax, the publication must be published more regularly than on an annual basis. This periodicity test is met where the magazine is weekly or monthly or even a quarterly or semi-annual publication. In addition, to this periodicity test, there are several other factors that will be considered in determining whether a publication qualifies as a magazine.

SERVICE OCCUPATION TAX

91-0768 10/07/1991 This letter explains the Service Occupation Tax liability of repairmen.

91-0851 11/05/1991 Under the new SOT law, if a graphic arts broker farms out work to a subcontractor, the broker's liability depends on whether he qualifies as a de minimus serviceman or not. If the cost price of the tangible personal property the broker transfers to his customer is less than 75% of his service bill, he can simply pay his supplier tax on the cost price of the materials

91-0842 11/04/1991 Any person who sells tangible personal property as an incident to a sale of service is a serviceman who is engaged in the business of making sales of service within the meaning of the Act and upon whom a tax is imposed under the Act.

91-0845 11/04/1991 A serviceman may calculate Service Occupation Tax liability in one of three ways: 1. separately stated selling price; 2. 50% of serviceman's entire bill; or 3. de minimus service situation.

91-0850 11/05/1991 A serviceman may calculate Service Occupation Tax liability in one of three ways: 1. separately stated selling price; 2. 50% of serviceman's entire bill; or 3. de minimus service situation.

91-0857 11/07/1991 Discusses the application of the Service Occupation Tax.

91-0873 11/13/1991 State of Illinois does not impose a tax on labor charges. The regulation stating this fact is at Illinois Administrative Code Sec. 130.120(d) which provides tax does not apply to receipts from sales of personal services, where rendered as such.

91-0886 11/15/1991 The purchase of tangible personal property that is ultimately transferred to the service customer may result in either Service Occupation Tax liability or Use Tax liability depending upon which tax base the serviceman chooses to calculate his liability. He may calculate his tax base in one of three ways: 1. separately stated selling price; 2. 50% of serviceman's entire bill; or 3. de minimus service situation.

91-0901 11/20/1991 Discusses Service Use Tax collection obligations of an out-of-State aircraft engine repairman.

91-0912 11/21/1991 Sets out the three possible ways a serviceman may calculate his tax base: separately stated selling price, 50% of serviceman's entire bill, de minimus service situation.

91-0922 11/22/1991 Discusses when a marketing research company makes sales of service and when the company makes sales at retail.

SALE OF SERVICE

DEPARTMENT OF REVENUE

1991 FOURTH QUARTER SUNSHINE INDEX

transferred. "Cost price" means either the separately stated cost of the materials from the supplier, or if not separately stated, then 50% of the entire service bill. If the broker is not "de minimus", he must register, remit returns and collect tax from his customer. Tax liability is based on either (1) the separately stated selling price of the property transferred; (2) if the selling price of the property transferred is not broken out, then the tax is based upon 50% of the entire service bill.

- 91-0915 11/21/1991 an unregistered de minimus serviceman will owe Use Tax on all tangible personal property transferred pursuant to his sales of service. However, if the serviceman registers, he may be relieved of the Use Tax due on personalty sold pursuant to services rendered to tax-exempt customers.
- 91-0928 11/25/1991 If an Illinois printer, registered under the Service Occupation Tax Act, delivers materials to an Illinois agent of an out-of-State purchaser for mailing outside Illinois, the interstate commerce exemption cannot be claimed and the sale is taxable under the SOT. If, however, a registered Illinois printer subcontracts with an Illinois serviceman to mail out the items outside Illinois, the printer can claim the interstate commerce exemption. The critical issue here is whether or not there is a contractual relationship between the out-of-State purchaser and the mailing house that exists to create an agency relationship. If the printer is de minimus, however, he cannot claim the interstate commerce exemption, because he owes Use Tax on the cost price of the materials he transfers incident to service.
- 91-0964 12/05/1991 Printer/mailer information.
- 91-0976 12/11/1991 Beginning January 1, 1990, the Service Occupation Tax, rather than the Retailers' Occupation Tax, applies to sales made by lube/oil change businesses. As a service business, tax would be charged either upon the separately stated selling price of the tangible personal property transferred to the service customer, or if not separately stated, then on 50 percent of the entire bill. Servicemen charging tax in this manner must register, remit monthly returns and collect the Service Use Tax from customers. If, however, the cost price of the parts transferred to the service customer is less than 35 percent of the total bill, the serviceman can simply pay Use Tax to his supplier on the cost price of the parts transferred to the customer. He need not register, remit monthly return and collect the Service Use Tax from his customers.

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TAX RATES

- 91-0759 10/03/1991 Request for current sales tax rates and exclusions.
- 91-0793 10/17/1991 Retailers are authorized by the General Assembly to pass the cost of Home Rule, County and Municipal Retailers' Occupation Taxes on to the purchaser.
- 91-0853 11/05/1991 The proper tax rate is based upon the location at which a retailer accepts its purchase orders. Purchasers are legally obligated to pay this tax rate.

TELECOMMUNICATIONS EXCISE TAX

- 91-0737 10/01/1991 Market information service transmitted via FM sideband radio and satellite is not subject to the Telecommunications Excise Tax.
- 91-0781 10/10/1991 Where a customer has his own transmitter and leases space on a tower or support structure, the Telecommunications Excise Tax does not apply to the rental receipts or space on the tower or support structure.
- 91-0789 10/16/1991 Gross charges for vehicle location service are subject to tax.
- 91-0865 11/12/1991 Discusses the elements of the gross charge subject to the tax.
- 91-0891 11/19/1991 A "mobile-sat" system, in which messages are sent from a customer facility to a formatting/relaying center (located outside Illinois) for formatting and transmission to a satellite, then from satellite to a customer's truck, or from trucks to satellite to the relaying center, thence to a customer facility, is a communication service subject to the Illinois Telecommunications Act. Calls are received or originated in Illinois when a truck in Illinois sends or receives messages, or when a customer facility located in Illinois sends or receives messages. Messages originate with the truck or facility, not the formatting/relay center.

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DEPARTMENT OF REVENUE

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- 91-0875 11/14/1991 Out-of-State purchaser for use or consumption by an Illinois user results in Illinois Use Tax liability when the items are brought to Illinois.
- 91-0876 11/14/1991 An item is considered to be a purchase for demonstration use only if it is in the same form as the thing which it is demonstrating. As a result, if a carpet sample that is comprised of a small square or piece of carpeting is used to demonstrate carpeting, it is taxable upon purchase. This results because the sample is not the same thing as the item to be sold. If, however, a carpet was used to demonstrate carpeting, then the carpet could be purchased with a Resale Certificate.
- 91-0885 11/15/1991 Illinois Use Tax is not incurred on the purchase of natural gas from an out-of-state wellhead.
- 91-0895 11/19/1991 Discusses whether under various fact patterns, a corporation falls within the scope of the definition of "retailer maintaining a place of business in this State."
- 91-0935 11/27/1991 Discusses the definition of retailer maintaining a place of business in this State.
- 91-0942 12/02/1991 An out-of-State mail order retailer that falls within the definition of "a retailer maintaining a place of business in this State" in Section 150.201(i) is required to register and collect tax on its Illinois sales.
- 91-0962 12/05/1991 The temporary storage exemption can be claimed on goods which are acquired outside Illinois, brought into Illinois for temporary storage and which, subsequent to being brought into this State for temporary storage, are used solely outside Illinois. See Section 150.310. Building materials and fixtures which are acquired in Illinois are eligible for the temporary storage exemption only if such goods are purchased by an Illinois-registered combination construction contractor/retailer, and the goods are later used outside Illinois by the contractor when he incorporates them into real estate located outside Illinois. See Section 150.310(a)(5).
- 91-0988 12/12/1991 Out of state retailers must determine their Illinois Use Tax collection obligation, if any, based upon their contacts with Illinois.

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- 91-0989 12/12/1991 Out of state retailers must determine their Illinois Use Tax collection obligation, if any, based upon their contacts with Illinois.
- 91-1022 12/24/1991 Normally, the registration of the aircraft at an address in Illinois would constitute an exercise of one of the incidents of ownership of the aircraft and would subject the aircraft to taxation in Illinois.
- 91-1024 12/24/1991 A hunt club offering its members the choice of either purchasing a bird for release for hunt or simply paying for the opportunity to hunt birds, incurs ROT liability in the former transaction. In the latter transaction, the hunt club is deemed to be the user of the birds, and owes a use tax when purchasing them. They use the birds insofar as they make them available to hunters paying for the privilege of hunting on the grounds. There is no guarantee that the birds will be bagged. When purchasing birds, the club should provide its supplier with a certificate of resale specifying the percentage of birds that are non-taxable (for resale to hunters who buy birds for release) and those that are taxable. The use tax owed by the club should be assessed at the low rate of tax, since the birds will be used for consumption off the premises. When the club sells the birds to hunter-purchasers, it incurs Retailers' Occupation Tax liability at the low rate, since the birds will be used for consumption off the premises. The club cannot deduct from its use tax liability those birds that die or fly off the property. These losses are simply costs of doing business.
- UTILITIES
- 91-0990 12/12/1991 A private water company selling water to users through pipes or mains in the ground is not subject to the Retailers' Occupation Tax. The company may be subject to the Water Company Invested Capital Tax or the tax on the company's annual gross revenues imposed by Section 2 of the Illinois Public Utilities Act. Sales of bottled water by the company for human or non-human consumption are taxable under the Retailers' Occupation Tax.
- VEHICLE USE TAX
- 91-0943 12/02/1991 In a situation where a father, wife, and 2 sons own a dairy farm, and a vehicle is originally title only in the father's

SECOND NOTICES RECEIVED

The following second notices were received by the joint committee on Administrative Rules during the period of March 25, 1992 through March 31, 1992, and have been scheduled for review by the committee at its April 7, 1992 meeting. Other items not contained in this published list may also be considered by the committee at its April meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the committee at the following address: joint committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice	Agency and Rule	Start of First Notice	JCAR Meeting
------------------	-----------------	-----------------------------	-----------------

5/8/92

Department of Professional
Regulation, Americans With
Disabilities Act Grievance Procedure
(4 Ill Adm Code 275 originally)
cited as 68 Ill Adm Code 1130)

2/7/92
16 Ill Reg
2010

4/7/92

5/8/92

Illinois Housing Development
Authority, Multifamily Rental
Housing Mortgage Loan Program (47
Ill Adm Code 310)

2/7/92
16 Ill Reg
1961

4/7/92

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name, the Vehicle Use Tax is triggered when the father transfers title of the car to the corporation. Because the beneficial ownership of the car has changed, an assessment based on the number of years elapsed from the model year of the car is incurred. A fifteen dollar fee is inappropriate because none of the transactions outlined in Ill. Rev. Stat. Ch. 95-1/2, par. 3-1001 (1)-(11)(family transfer; gift to a beneficiary in the administration of an estate; organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership has not changed) has occurred.

12/04/1991 If the Vehicle Use Tax is not paid timely, penalty and interest are added to the account and become due in addition to the tax. The fact that a person was not aware that he owed the Vehicle Use Tax is insufficient to abate the penalty/interest/tax liability. Refunds, or abatement, of penalty and interest can be sought by filing a petition with the Board of Appeals.

12/10/1991 In order to qualify for the \$15 reduced Vehicle Use Tax outlined in Section 3-1001(111) of the Vehicle Use Tax Act, a vehicle must be transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed. If the beneficial ownership of the vehicle would change as a result of such reorganization, the vehicle will not qualify for the reduced rate of tax.

91-0972

91-0958

PROCLAMATION

92-132
BIELARUSIAN-AMERICAN DAY

Whereas, 1992 marks the 74th anniversary of the Declaration of Independence of Bielarus; and

Whereas, the Bielarussian-American community in Chicago is proud of its heritage and tries to acquaint other ethnic communities with the Bielarussian cultural heritage through various exhibits and its participation in the "Christmas Around the World" Festival at the Museum of Science and Industry in Chicago; and

Whereas, the Bielarussian Coordinating Committee of Chicago is sponsoring an exhibit in the Richard J. Daley Center March 23-April 3 and at the State of Illinois Center in Chicago March 23-27 to honor the free spirit of the Bielarussian people in their homeland and pay tribute to our American dignitaries who supported freedom and independence for Bielarus; and

Whereas, the Bielarussian Coordinating Committee of Chicago is sponsoring a banquet and program at the Regency Inn Banquet Halls in Chicago March 29 to further celebrate the 74th Anniversary of the Declaration of Independence of Bielarus and the rebirth of the Bielarussian nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 29, 1992, as BIELARUSIAN-AMERICAN DAY in Illinois.
Issued by the Governor March 18, 1992.
Filed with the Secretary of State March 26, 1992.

92-133
DAYS OF REMEMBRANCE OF THE VICTIMS
OF THE HOLOCAUST

Whereas, from 1933 to 1945, six million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide. Tens of thousands of Gypsies and millions of other people also perished as victims of Nazism; and

Whereas, Illinois citizens should remember the atrocities committed by the Nazis and rededicate themselves to the principle of equal justice for all people; and

Whereas, we should remain eternally vigilant against all tyranny and recognize that hatred and bigotry provide a breeding ground for tyranny to flourish; and

Whereas, pursuant to an Act of Congress, April 30, 1992, has been designated as a Day of Remembrance of the Victims of the Holocaust;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim April 26-May 3, 1992, as the DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST and urge citizens to utilize education, vigilance, and resistance in continuing efforts to overcome prejudice and inhumanity.

Issued by the Governor March 18, 1992.
Filed with the Secretary of State March 26, 1992.

92-134
ILLINOIS CHIROPRACTIC SOCIETY SPRING MEETING PROGRAM DAYS

Whereas, for many decades, the Illinois Chiropractic Society (ICS) has dedicated itself to advancing the professionalism and visibility of chiropractic physicians and chiropractic care in our state; and

Whereas, the ICS continues to work to improve public health by convening its members to develop educational programming, exchange professional knowledge, and enhance medical ethics; and
Whereas, the ICS is holding its annual Spring Convention April 3-5, 1992, in Lincolnshire;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 3-5, 1992, as ILLINOIS CHIROPRACTIC SOCIETY SPRING MEETING PROGRAM DAYS in Illinois.

Issued by the Governor March 18, 1992.
Filed with the Secretary of State March 26, 1992.

92-135
SEXUAL ASSAULT AWARENESS MONTH

Whereas, a sexual assault occurs once every five minutes; and
Whereas, in Illinois, 6,399 adults were sexual assault victims in 1990, and 10,324 children were sexual abuse victims between July 1989 and June 1990; and

Whereas, only seven percent of sexual assault victims report the crime to law enforcement and child protective personnel; and
Whereas, one out of four girls and one out of six boys will be sexually abused before the age of 18; and

Whereas, 92 percent of all women have been sexually harassed in the workplace or at school; and

Whereas, 80 percent of rapists are relatives, friends, neighbors, or acquaintances of the victim; and

Whereas, informing the public of the crimes of sexual assault, sexual abuse, and sexual harassment is essential in the struggle to end sexual violence and advance equality; and

Whereas, sexual assault, sexual abuse, and sexual harassment are overwhelming moral, economic, and public health burdens that our society should not bear;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1992 as SEXUAL ASSAULT AWARENESS MONTH in Illinois.

Issued by the Governor March 18, 1992.
Filed with the Secretary of State March 26, 1992.

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Whereas, the 49th commemoration of the Warsaw Ghetto Uprising, sponsored by the Mid-West Jewish Council, will be held Sunday, April 12, 1992, at Mather High School in Chicago; and

Whereas, citizens of many faiths will be present to pay homage to those heroic individuals who sacrificed their lives for their belief in the preservation of basic human rights;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12, 1992, as a day of memorial of the WARSAW GHETTO UPRISING.

Issued by the Governor March 20, 1992.

Filed with the Secretary of State March 26, 1992.

92-141

WINFIELD MOODY HEALTH CENTER DAY

Whereas, the Winfield Moody Health Center is a not-for-profit ambulatory center in Chicago for individuals who experience multiple barriers to primary health care; and

Whereas, the center provides health care and nutritional and social services to more than 25,000 people each year; and

Whereas, the Winfield Moody Health Center will be celebrating its 25th year of service with a special celebration April 30, 1992;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1992, as WINFIELD MOODY HEALTH CENTER DAY in Illinois and commend the center on its 25th anniversary.

Issued by the Governor March 20, 1992.

Filed with the Secretary of State March 26, 1992.

92-142

WINDOWS WORLD WEEK

Whereas, computers have become an integral part of our society; and

Whereas, the second Windows World exposition and conference will be held at Chicago's McCormick Place April 6-9, 1992; and

Whereas, more than 60,000 computer and business professionals are expected to attend the event, which is the world's largest computer software trade show and conference, featuring products from at least 900 companies; and

Whereas, Windows World will update information systems professionals, software developers, business owners, and others about the latest computer products and software applications and solutions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-9, 1992, as WINDOWS WORLD WEEK in Illinois.

Issued by the Governor March 25, 1992.

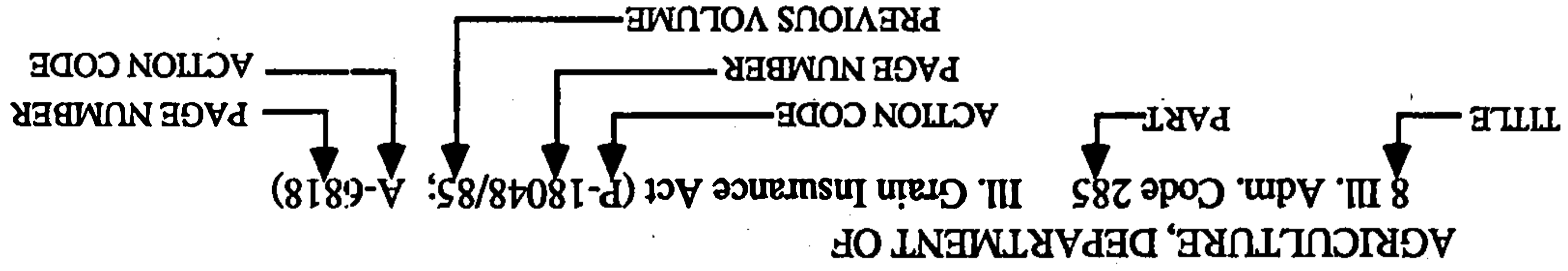
Filed with the Secretary of State March 26, 1992.

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JCAR - Joint Committee on Administrative Rules

ACTION CODES	
A	- Adopted Rule
AR	- Adopted Repealer
C	- Notice of Corrections
CC	- Codification Changes
E	- Emergency Rule
ER	- Emergency Repealer
M	- Modification to meet JCAR objections
O	- JCAR Statement of Objections
A	- Proposed Rule
P	- Prohibited Filing Ordered by JCAR
PP	- Peremptory or Court ordered Rules
PR	- Proposed Repealer
R	- Refusal to meet JCAR objection
RC	- Statement of Recommendation
S	- Suspension ordered by JCAR
W	- Withdrawal to meet JCAR objections

EXAMPLE:



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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4 III. Adm. Code 550
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8 III. Adm. Code 85
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8 III. Adm. Code 90
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8 III. Adm. Code 40
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8 III. Adm. Code 125
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240.780	am	(P-3282)
240.995	r	(P-14365/91; P-14679/91; A-2576)
240.1110	am	(P-3282)
240.1130	am	(P-3282)
240.1150	am	(P-3282)
240.1160	r	(P-3282)
240.1160	n	(P-3282)
240.1170	am	(P-3282)
240.1180	r	(P-3282)
240.1400	r	(P-14365/91; P-14679/91; A-2576)
240.1400	n	(P-14365/91; P-14679/91; A-2576)
240.1405	r	(P-14365/91; P-14679/91; A-2576)
240.1410	r	(P-14365/91; P-14679/91; A-2576)
240.1410	n	(P-14365/91; P-14679/91; A-2576)
240.1420	r	(P-14365/91; P-14679/91; A-2576)
240.1420	n	(P-14365/91; P-14679/91; A-2576)
240.1430	r	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1430	n	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1440	r	(P-14365/91; P-14679/91; A-2576)
240.1440	n	(P-14365/91; P-14679/91; A-2576)
240.1450	r	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1450	n	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1460	r	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1460	n	(P-14365/91; P-14679/91; A-2576) (P-3282)
240.1470	r	(P-14365/91; P-14679/91; A-2576)
240.1500	r	(P-14365/91; P-14679/91; A-2576)
240.1500	n	(P-14365/91; P-14679/91; A-2576)
240.1510	n	(P-14365/91; P-14679/91; A-2576)
240.1520	n	(P-14365/91; P-14679/91; A-2576)
240.1530	n	(P-14365/91; P-14679/91; A-2576)
2501.37	n	(P-2719) (E-2897)

TITLE 68

870.100	n	(P-12094/91; A-3096)
870.105	n	(P-12094/91; A-3096)
870.110	n	(P-12094/91; A-3096)
870.115	n	(P-12094/91; A-3096)
870.120	n	(P-12094/91; A-3096)
870.200	n	(P-12094/91; A-3096)
870.210	n	(P-12094/91; A-3096)
870.215	n	(P-12094/91; A-3096)
870.220	n	(P-12094/91; A-3096)
870.225	n	(P-12094/91; A-3096)
870.230	n	(P-12094/91; A-3096)
870.235	n	(P-12094/91; A-3096)
870.240	n	(P-12094/91; A-3096)
870.245	n	(P-12094/91; A-3096)
870.300	n	(P-12094/91; A-3096)
870.305	n	(P-12094/91; A-3096)
870.310	n	(P-12094/91; A-3096)
870.315	n	(P-12094/91; A-3096)
870.320	n	(P-12094/91; A-3096)
870.325	n	(P-12094/91; A-3096)
870.400	n	(P-12094/91; A-3096)
870.405	n	(P-12094/91; A-3096)
870.500	n	(P-12094/91; A-3096)
870.505	n	(P-12094/91; A-3096)
870.510	n	(P-12094/91; A-3096)
870.515	n	(P-12094/91; A-3096)
870.520	n	(P-12094/91; A-3096)
870.525	n	(P-12094/91; A-3096)
1130.10	n	(P-2010)
1130.20	n	(P-2010)
1130.30	n	(P-2010)
1130.40	n	(P-2010)
1130.50	n	(P-2010)
1130.60	n	(P-2010)
1130.70	n	(P-2010)
1150.20	am	(P-2492/91; A-3143)
1150.30	am	(P-2492/91; A-3143)
1150.40	am	(P-2492/91; A-3143)
1150.50	am	(P-2492/91; A-3143)
1150.60	am	(P-2492/91; A-3143)
1150.65	am	(P-2492/91; A-3143)
1150.70	am	(P-2492/91; A-3143)
1150.80	am	(P-2492/91; A-3143)
1150.90	am	(P-2492/91; A-3143)
1150.100	am	(P-2492/91; A-3143)
1150.110	am	(P-2492/91; A-3143)
1150.II. A	am	(P-2492/91; A-3143)
1200.30	am	(P-14369/91; A-3169)
1255.10	n	(P-17030/91; A-3194)
1255.20	n	(P-17030/91; A-3194)
1255.30	n	(P-17030/91; A-3194)
1255.40	n	(P-17030/91; A-3194)
1255.50	n	(P-17030/91; A-3194)
1255.60	n	(P-17030/91; A-3194)
1255.70	n	(P-17030/91; A-3194)
1255.80	n	(P-17030/91; A-3194)
1255.90	n	(P-17030/91; A-3194)
1275.40	am	(P-5741)
1275.50	am	(P-5741)
1275.80	n	(P-5741)
1310.20	am	(P-3784)
1310.30	am	(P-3784)

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TITLE 77 (CONT'D)				
790.3315	am	(P-4782) (E-4899)	790.5320	am (P-15943/91; A-5941)
790.3335	am	(P-4782) (E-4899)	790.5380	am (P-15943/91; A-5941)
790.3340	am	(P-4782) (E-4899)		(P-4782) (E-4899)
790.3420	am	(P-4782) (E-4899)	790.5420	am (P-4782) (E-4899)
790.3437	am	(P-4782) (E-4899)	790.5483	am (P-4782) (E-4899)
790.3472	am	(P-4782) (E-4899)	790.5500	am (P-4782) (E-4899)
790.3480	n	(P-4782) (E-4899)	790.5520	am (P-4782) (E-4899)
790.3492	am	(P-4782) (E-4899)	790.5540	am (P-4782) (E-4899)
790.3495	n	(P-4782) (E-4899)	790.5544	am (P-4782) (E-4899)
790.3540	am	(P-4782) (E-4899)	790.5620	am (P-4782) (E-4899)
790.3620	am	(P-4782) (E-4899)	790.5640	am (P-15943/91; A-5941)
790.3700	am	(P-4782) (E-4899)	790.5700	am (P-4782) (E-4899)
790.3742	am	(P-4782) (E-4899)	790.5740	am (P-4782) (E-4899)
790.3780	am	(P-4782) (E-4899)	790.5788	n (P-4782) (E-4899)
790.3860	am	(P-4782) (E-4899)	790.5792	am (P-4782) (E-4899)
790.3875	n	(P-4782) (E-4899)	790.5802	am (P-4782) (E-4899)
790.3907	am	(P-4782) (E-4899)	790.5807	am (P-4782) (E-4899)
790.3910	am	(P-15943/91; A-5941)	790.5820	am (P-4782) (E-4899)
		(P-4782) (E-4899)	790.5830	am (P-4782) (E-4899)
790.3940	am	(P-4782) (E-4899)	790.5872	am (P-4782) (E-4899)
790.3945	am	(P-4782) (E-4899)	790.5900	am (P-4782) (E-4899)
790.3980	am	(P-4782) (E-4899)	790.5940	am (P-4782) (E-4899)
790.3996	am	(P-4782) (E-4899)	790.5980	am (P-4782) (E-4899)
790.4012	am	(P-4782) (E-4899)	790.6020	r (P-4782) (E-4899)
790.4040	am	(P-15943/91; A-5941)	790.6140	am (P-4782) (E-4899)
		(P-4782) (E-4899)	790.6180	am (P-4782) (E-4899)
790.4060	am	(P-4782) (E-4899)	790.6260	am (P-4782) (E-4899)
790.4100	am	(P-4782) (E-4899)	790.6275	am (P-4782) (E-4899)
790.4140	am	(P-4782) (E-4899)	790.6277	am (P-4782) (E-4899)
790.4173	am	(P-4782) (E-4899)	790.6280	r (P-4782) (E-4899)
790.4180	am	(P-4782) (E-4899)	790.6300	am (P-4782) (E-4899)
790.4220	am	(P-4782) (E-4899)	790.6340	am (P-4782) (E-4899)
790.4260	am	(P-4782) (E-4899)	790.6370	am (P-15943/91; A-5941)
790.4300	am	(P-4782) (E-4899)		(P-4782) (E-4899)
790.4385	am	(P-4782) (E-4899)	790.6375	am (P-4782) (E-4899)
790.4386	am	(P-4782) (E-4899)	790.6420	am (P-4782) (E-4899)
790.4396	am	(P-4782) (E-4899)	790.6452	am (P-4782) (E-4899)
790.4398	am	(P-4782) (E-4899)	790.6456	am (P-4782) (E-4899)
790.4420	am	(P-4782) (E-4899)	790.6460	am (P-4782) (E-4899)
790.4580	am	(P-4782) (E-4899)	790.6480	am (P-4782) (E-4899)
790.4620	am	(P-4782) (E-4899)	790.6500	am (P-4782) (E-4899)
790.4660	am	(P-4782) (E-4899)	790.6540	am (P-4782) (E-4899)
790.4670	am	(P-4782) (E-4899)	790.6570	r (P-4782) (E-4899)
790.4680	am	(P-4782) (E-4899)	790.6580	am (P-4782) (E-4899)
790.4700	am	(P-4782) (E-4899)	790.6670	am (P-4782) (E-4899)
790.4720	am	(P-4782) (E-4899)	790.6780	am (P-4782) (E-4899)
790.4740	am	(P-4782) (E-4899)	790.6800	am (P-4782) (E-4899)
790.4780	am	(P-4782) (E-4899)	790.6820	am (P-4782) (E-4899)
790.4840	am	(P-4782) (E-4899)	790.6860	am (P-4782) (E-4899)
790.4860	am	(P-4782) (E-4899)	790.6875	am (P-4782) (E-4899)
790.4900	am	(P-4782) (E-4899)	790.6885	am (P-4782) (E-4899)
790.4965	am	(P-4782) (E-4899)	790.6895	am (P-4782) (E-4899)
790.4980	am	(P-4782) (E-4899)	790.6940	am (P-4782) (E-4899)
790.5060	am	(P-4782) (E-4899)	790.6960	am (P-4782) (E-4899)
790.5100	am	(P-4782) (E-4899)	790.6980	am (P-4782) (E-4899)
790.5140	am	(P-4782) (E-4899)	790.7100	am (P-4782) (E-4899)
790.5180	am	(P-15943/91; A-5941)	790.7120	am (P-4782) (E-4899)
		(P-4782) (E-4899)	790.7130	am (P-4782) (E-4899)
790.5220	am	(P-4782) (E-4899)	790.7140	am (P-4782) (E-4899)
790.5300	am	(P-4782) (E-4899)	790.7180	am (P-4782) (E-4899)
790.5312	am	(P-15943/91; A-5941)	790.7229	am (P-4782) (E-4899)
		(P-4782) (E-4899)	790.7260	am (P-4782) (E-4899)
			790.7263	n (P-4782) (E-4899)

TITLE 77 (CONT'D)				
790.7265	am	(P-4782) (E-4899)	790.9530	am (P-4782) (E-4899)
790.7280	am	(P-4782) (E-4899)	790.9580	am (P-4782) (E-4899)
790.7291	am	(P-4782) (E-4899)	830.10	am (P-2092)
790.7296	am	(P-4782) (E-4899)	830.880	am (P-2092)
790.7380	am	(P-4782) (E-4899)	830.885	am (P-2092)
790.7400	am	(P-4782) (E-4899)	830.890	am (P-2092)
790.7420	am	(P-4782) (E-4899)	830.900	am (P-2092)
790.7500	am	(P-4782) (E-4899)	840.20	am (P-4329)
790.7510	am	(P-4782) (E-4899)	840.115	am (P-4329)
790.7540	am	(P-4782) (E-4899)	840.210	am (P-4329)
790.7580	am	(P-4782) (E-4899)	840.215	am (P-4329)
790.7700	am	(P-4782) (E-4899)	840.305	am (P-4329)
790.7740	am	(P-4782) (E-4899)	840.310	am (P-4329)
790.7820	am	(P-4782) (E-4899)	840.Ap. B	
790.7828	am	(P-15943/91; A-5941)	Ex. A	am (P-4329)
		(P-4782) (E-4899)	II. A	r (P-4329)
790.7834	am	(P-4782) (E-4899)	Ex. B	n (P-4329)
790.7860	am	(P-4782) (E-4899)	II. B	am (P-4329)
790.7940	am	(P-4782) (E-4899)	840.Ap. C	
790.7980	am	(P-4782) (E-4899)	Ex. B	am (P-4329)
790.8015	am	(P-4782) (E-4899)	1120.10	n (P-5205)
790.8020	am	(P-4782) (E-4899)	1120.20	n (P-5205)
790.8106	am	(P-4782) (E-4899)	1120.110	n (P-5205)
790.8136	am	(P-4782) (E-4899)	1120.120	n (P-5205)
790.8248	am	(P-4782) (E-4899)	1120.130	n (P-5205)
790.8300	am	(P-4782) (E-4899)	1120.210	n (P-5205)
790.8420	am	(P-4782) (E-4899)	1120.310	n (P-5205)
790.8540	am	(P-4782) (E-4899)	1120.Ap. A	n (P-5205)
790.8580	am	(P-15943/91; A-5941)	1130.140	am (P-4755)
		(P-4782) (E-4899)	1130.220	am (P-4755)
790.8620	am	(P-4782) (E-4899)	1130.410	am (P-4755)
790.8700	am	(P-4782) (E-4899)	1130.510	am (P-4755)
790.8710	am	(P-4782) (E-4899)	1130.620	am (P-4755)
790.8724	am	(P-4782) (E-4899)	1130.630	am (P-4755)
790.8740	am	(P-4782) (E-4899)	1130.640	am (P-4755)
790.8780	am	(P-4782) (E-4899)	1130.710	am (P-4755)
790.8820	am	(P-4782) (E-4899)	1130.720	am (P-4755)
790.8900	am	(P-4782) (E-4899)	1130.730	am (P-4755)
790.8940	am	(P-4782) (E-4899)	1130.740	am (P-4755)
790.8980	am	(P-4782) (E-4899)	1130.760	am (P-4755)
790.9020	am	(P-4782) (E-4899)	1130.770	am (P-4755)
790.9035	am	(P-4782) (E-4899)	1130.780	am (P-4755)
790.9045	am	(P-4782) (E-4899)	1190.30	am (P-3063)
790.9048	am	(P-15943/91; A-5941)	1230.10	r (P-5187)
		(P-4782) (E-4899)	1230.20	r (P-5187)
790.9050	am	(P-15943/91; A-5941)	1230.30	r (P-5187)
790.9056	am	(P-4782) (E-4899)	1230.110	r (P-5187)
790.9060	am	(P-4782) (E-4899)	1230.120	r (P-5187)
790.9084	am	(P-4782) (E-4899)	1230.210	r (P-5187)
790.9100	am	(P-15943/91; A-5941)	1230.220	r (P-5187)
		(P-4782) (E-4899)	1230.230	r (P-5187)
790.9140	am	(P-4782) (E-4899)	1230.240	r (P-5187)
790.9180	am	(P-4782) (E-4899)	1230.250	r (P-5187)
790.9220	am	(P-4782) (E-4899)	1230.260	r (P-5187)
790.9260	am	(P-4782) (E-4899)	1230.310	r (P-5187)
790.9300	am	(P-4782) (E-4899)	1230.320	r (P-5187)
790.9340	am	(P-4782) (E-4899)	1230.410	r (P-5187)
790.9380	am	(P-4782) (E-4899)	1230.420	r (P-5187)
790.9420	am	(P-4782) (E-4899)	1230.Tb. A	r (P-5187)
790.9460	am	(P-4782) (E-4899)	1230.Tb. B	r (P-5187)
790.9500	am	(P-4782) (E-4899)	1240.10	r (P-5225)
790.9520	am	(P-4782) (E-4899)	1240.20	r (P-5225)
			1240.30	r (P-5225)

TITLE 80 (CONT'D)					
310.Ap. B	am	(P-12051/91; A-3450)	3000.220	am	(P-3802)
1120.80	n	(P-5554) (E-6052)	3000.230	am	(P-3802)
2650.10	am	(P-3235)	3000.245	am	(P-3802)
2650.25	am	(P-3235)	3000.270	am	(P-3802)
2800.650	n	(P-15199/91; A-4831)	3000.420	am	(P-3802)
			3000.425	am	(P-3802)
			3000.610	am	(P-3802)
TITLE 83			3000.620	am	(P-3802)
200.715	n	(P-1936)	3000.625	am	(P-3802)
410.360	r	(P-11899/91; A-2544)	3000.645	am	(P-3802)
445.40	am	(P-11025/91; A-2535)	3000.910	am	(P-3802)
445.50	am	(P-11025/91; A-2535)	3000.1010	am	(P-3802)
445.70	am	(P-11025/91; A-2535)	3000.1070	am	(P-3802)
500.335	r	(P-11905/91; A-2550)			
770.10	n	(P-3242)	TITLE 89		
770.20	n	(P-3242)	104.202	am	(P-4741)
770.30	n	(P-3242)	104.204	am	(P-4741)
			104.206	am	(P-2752)
TITLE 86			104.208	am	(P-2752)
110.190	n	(P-14196/91; A-2624)	104.209	n	(P-4741)
130.310	am	(P-15013/91; A-1642)	104.210	am	(P-2752) (P-4741)
180.101	am	(P-(P-15948/91; A-4859)	104.212	am	(P-4741)
180.130	am	(P-(P-15948/91; A-4859)	104.221	am	(P-4741)
180.140	am	(P-(P-15948/91; A-4859)	104.230	am	(P-4741)
180.145	am	(P-(P-15948/91; A-4859)	104.244	am	(P-4741)
190.101	am	(P-15958/91; A-4867)	104.246	am	(P-4741)
190.110	am	(P-15958/91; A-4867)	104.272	am	(P-2752)
190.120	am	(P-15958/91; A-4867)	104.273	am	(P-2752)
190.170	am	(P-15958/91; A-4867)	104.274	am	(P-2752)
190.175	am	(P-15958/91; A-4867)	110.10	am	(P-16845/91)
460.101	am	(P-15417/91; A-4876)	110.30	am	(P-3405; W-5082) (P-4704)
460.110	am	(P-15417/91; A-4876)	112.70	am	(P-3335)
480.101	am	(P-15422/91; A-3578)	112.71	am	(P-3335)
490.10	r	(P-16913/91; A-5988)	112.72	am	(P-3335)
490.20	r	(P-16913/91; A-5988)	112.74	am	(P-3335)
490.30	r	(P-16913/91; A-5988)	112.78	am	(P-3335)
490.40	r	(P-16913/91; A-5988)	112.79	am	(P-3335)
490.50	r	(P-16913/91; A-5988)	112.82	am	(P-3335)
490.60	r	(P-16913/91; A-5988)	113.40	am	(P-14994/91; A-3468)
490.70	r	(P-16913/91; A-5988)	113.50	am	(P-14994/91; A-3468)
490.80	r	(P-16913/91; A-5988)	113.302	r	(P-14994/91; A-3468)
490.90	r	(P-16913/91; A-5988)	113.400	n	(P-14994/91; A-3468)
490.100	r	(P-16913/91; A-5988)	113.405	n	(P-14994/91; A-3468)
490.110	r	(P-16913/91; A-5988)	113.410	n	(P-14994/91; A-3468)
490.120	r	(P-16913/91; A-5988)	113.415	n	(P-14994/91; A-3468)
490.130	r	(P-16913/91; A-5988)	113.420	n	(P-14994/91; A-3468)
490.140	r	(P-16913/91; A-5988)	113.425	n	(P-14994/91; A-3468)
490.150	r	(P-16913/91; A-5988)	113.430	n	(P-14994/91; A-3468)
490.160	r	(P-16913/91; A-5988)	113.435	n	(P-14994/91; A-3468)
490.170	r	(P-16913/91; A-5988)	113.440	#	(P-14994/91; A-3468)
490.180	r	(P-16913/91; A-5988)	113.440	am	(P-14994/91; A-3468)
490.190	r	(P-16913/91; A-5988)	113.445	n	(P-14994/91; A-3468)
490.200	r	(P-16913/91; A-5988)	114.1	am	(P-15008/91; A-3512)
510.101	am	(P-16932/91; A-5990)	114.2	n	(P-15008/91; A-3512)
510.110	am	(P-16932/91; A-5990)	114.60	am	(P-15008/91; A-3512)
510.115	r	(P-16932/91; A-5990)	114.61	am	(P-15008/91; A-3512)
510.120	am	(P-16932/91; A-5990)	114.62	am	(P-15008/91; A-3512)
510.131	am	(P-16932/91; A-5990)	114.63	am	(P-15008/91; A-3512)
510.145	am	(P-16932/91; A-5990)	114.64	am	(P-15008/91; A-3512)
510.160	am	(P-16932/91; A-5990)	114.70	am	(P-15008/91; A-3512)
3000.100	am	(P-3802)	114.80	am	(P-15008/91; A-3512)
3000.200	am	(P-3802)	114.120	am	(P-15008/91; A-3512)
3000.210	am	(P-3802)	114.121	am	(P-15008/91; A-3512)

TITLE 89 (CONT'D)					
114.122	r	(P-15008/91; A-3512)	140.31	n	(P-4708)
114.123	r	(P-15008/91; A-3512)	140.32	n	(P-4708)
114.124	am	(P-15008/91; A-3512)	140.33	n	(P-4708)
114.128	am	(P-4216) (E-4540)	140.440	am	(P-12171/91; A-4006)
114.135	am	(P-4216) (E-4540)	140.441	am	(P-12171/91; A-4006)
114.400	am	(P-15008/91; A-3512)	140.442	am	(P-12171/91; A-4006)
114.420	am	(P-15008/91; A-3512)	140.449	am	(P-12171/91; A-4006)
116.500	am	(P-16623/91; A-5350)	140.469	am	(P-13685/91; A-3552)
116.520	am	(P-16623/91; A-5350)	140.514	am	(P-11555/91; A-4006)
120.50	r	(P-12137/91; A-139)	140.526	r	(P-472)
120.200	n	(P-12137/91; A-139)	140.527	r	(P-472)
120.208	r	(P-12137/91; A-139)	140.528	r	(P-472)
120.210	r	(P-12137/91; A-139)	140.529	r	(P-472)
120.211	r	(P-12137/91; A-139)	140.539	am	(P-472)
120.212	r	(P-12137/91; A-139)	140.543	am	(P-3045)
120.215	r	(P-12137/91; A-139)	140.561	am	(P-7482/91; A-3552)
120.216	r	(P-12137/91; A-139)	140.565	n	(P-1492)
120.217	r	(P-12137/91; A-139)	140.566	am	(P-4708)
120.218	r	(P-12137/91; A-139)	140.579	am	(P-3409)
120.224	r	(P-12137/91; A-139)	140.600	n	(P-472)
120.225	r	(P-12137/91; A-139)	140.602	n	(P-472)
120.230	r	(P-12137/91; A-139)	140.604	n	(P-472)
120.235	r	(P-12137/91; A-139)	140.606	n	(P-472)
120.236	r	(P-12137/91; A-139)	140.608	n	(P-472)
120.240	r	(P-12137/91; A-139)	140.610	n	(P-472)
120.245	r	(P-12137/91; A-139)	140.612	n	(P-472)
120.250	r	(P-12137/91; A-139)	140.614	n	(P-472)
120.255	r	(P-12137/91; A-139)	140.646	am	(P-6949/91; A-1877)
120.260	r	(P-12137/91; A-139)	144.275	am	(P-15926/91; A-5898)
120.261	r	(P-12137/91; A-139)	144.300	n	(P-7455/91; A-3497)
120.262	r	(P-12137/91; A-139)	144.325	n	(P-7455/91; A-3497)
120.270	r	(P-12137/91; A-139)	144.350	n	(P-5806)
120.271	r	(P-12137/91; A-139)	144.375	n	(P-5806)
120.272	r	(P-12137/91; A-139)	144.400	n	(P-5806)
120.273	r	(P-12137/91; A-139)	144.405	n	(P-5806)
120.275	r	(P-12137/91; A-139)	144.425	n	(P-5806)
120.276	r	(P-12137/91; A-139)	144.450	n	(P-5806)
120.280	r	(P-12137/91; A-139)	147.25	am	(P-4218)
120.281	r	(P-12137/91; A-139)	147.50	am	(P-4218)
120.282	r	(P-12137/91; A-139)	147.75	am	(P-4218)
120.283	r	(P-12137/91; A-139)	147.Tb. A	am	(P-7501/91; A-4035)
120.284	r	(P-12137/91; A-139)	147.Tb. B	am	(P-7501/91; A-4035)
120.285	r	(P-12137/91; A-139)	147.Tb. D	am	(P-4218)
120.290	r	(P-12137/91; A-139)	147.Tb. E	am	(P-4218)
120.295	r	(P-12137/91; A-139)	147.Tb. G	am	(P-4218)
120.319	am	(P-833/91; A-1862)	147.Tb. L	am	(P-4218)
120.320	am	(P-833/91; A-1862)	148.140	am	(P-1786)
120.321	am	(P-833/91; A-1862)	150.10	n	(E-2258)
120.322	am	(P-833/91; A-1862)	150.20	n	(E-2258)
120.323	am	(P-833/91; A-1862)	150.30	n	(E-2258)
121.58	am	(P-2420)	150.40	n	(E-2258)
121.63	am	(E-757)	150.50	n	(E-2258)
121.72	am	(P-2420)	150.60	n	(E-2258)
121.73	am	(P-2420)	160.5	am	(P-806/91; A-1852)
140.2	am	(P-17171/91; A-174)	160.10	am	(P-806/91; A-1852)
140.5	am	(P-17171/91; A-174)	160.20	am	(P-806/91; A-1852)
140.11	am	(P-6949/91; A-3552)	160.30	am	(P-2406)
140.13	am	(P-4708)	230.45	am	(P-3605)
140.14	am	(P-4708)	230.570	am	(P-3605)
140.16	am	(P-4708)	240.400	am	(E-2630)
140.19	am	(P-4708)	240.415	am	(E-2630)
140.27	am	(P-65) (E-300)			

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116.40	am	(P-558)
121.20	n	(P-561)
121.30	n	(P-561)
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121.50	n	(P-561)
121.60	n	(P-561)
121.70	n	(P-561)
121.80	n	(P-561)
121.90	n	(P-561)
121.100	n	(P-561)
121.110	n	(P-561)
121.120	n	(P-561)
121.130	n	(P-561)
121.140	n	(P-561)
121.150	n	(P-561)
121.160	n	(P-561)
121.170	n	(P-561)
121.180	n	(P-561)
121.190	n	(P-561)
121.200	n	(P-561)
121.210	n	(P-561)
121.220	n	(P-561)
121.230	n	(P-561)
122.10	n	(P-2113)
122.20	n	(P-2113)
122.30	n	(P-2113)
122.40	n	(P-2113)
122.50	n	(P-2113)
122.60	n	(P-2113)
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