

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The Regulatory Agenda submission period will end July.1, 2008. The Division is no longer accepting Regulatory Agendas. The second filing period for submitting will start October 14, 2008 with the last day to file on January 2, 2009.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 305.260 Extends Jurisdiction A, B and C (November 30, 2008)

- a) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Capital Development Board positions in the non-code classifications of Assistant Personnel Officer, responsible for a range of human resources services; Coordinator of Administrative Services, who supervises and assists with office support activities and advertises, schedules and checks bid openings and documents for the Office of Operations; Executive Assistant 1, who provides secretarial and administrative support services to program managers at the Board; and Fiscal Executive, responsible for performing advanced accounting, financial reporting and analyses.
- b) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions in the non-code classifications of Accounts Processing Analyst, performing account technician work.
- c) Employees of these divisions serving prior to November 30, 2008 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to November 30, 2008 will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Personnel Code. All other provisions of the Personnel Code and Rules of the Department of Central Management Services will apply to employees of the above-named divisions, effective November 30, 2008.

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedural Rules
- 2) Code Citation: 56 Ill. Adm. Code 5300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5300.400	Amendment
5300.490	Amendment
- 4) Statutory Authority: Implementing Sections 5/8-102(E) and 5/8-103(A) and Article 8 of the Illinois Human Rights Act [775 ILCS 5/8-102(E) and 5/8-103(A)] and authorized by Sections 5/8-102(E) and 5/8-103(A through E) of the Illinois Human Rights Act [775 ILCS 5/8-102(E) and 5/8-103(A through E)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 95-243, effective 1/1/08, the Human Rights Commission now has jurisdiction to hear and determine requests for review of the Department of Human Rights' decisions to dismiss a charge and DHR notices of default. Also effective 1/1/08, DHR does not have jurisdiction over requests for review in cases where the "cause of action" was filed on or after 1/1/08. Pursuant to PA 95-243, the time limitation established in Section 7A-102(G) of the Illinois Human Rights Act [775 ILCS 5/7A-102(G)] shall be tolled during the period between issuance by DHR of a dismissal or default until entry of the Commission's order.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Harriet Parker

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

General Counsel
Human Rights Commission
100 W. Randolph St., Ste. 5-100
Chicago, IL 60601

312/814-6269 or
312/814-4760 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XI: HUMAN RIGHTS COMMISSION

PART 5300
PROCEDURAL RULES

SUBPART A: INTERPRETATIONS

Section	
5300.10	Definition of Terms
5300.20	Computation of Time
5300.30	Service of Pleadings
5300.40	Filing
5300.50	Separability

SUBPART B: RECORDS AND WITNESSES

Section	
5300.210	Subpoenas
5300.220	Access to Commission Records

SUBPART C: SETTLEMENTS

Section	
5300.310	Settlement Agreements
5300.320	Consideration by Commission
5300.330	Non-Compliance

SUBPART D: REQUEST FOR REVIEW

Section	
5300.400	Applicability of the Subpart
5300.410	Filing with Commission
5300.420	Notice by Commission
5300.430	Response by Department
5300.440	Reply to Response
5300.450	Extensions of Time
5300.460	Consideration of Request for Review
5300.470	Additional Information or Referral for Hearing

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 5300.480 Decision
- 5300.490 Tolling of Time Period
- 5300.495 Pending Requests

SUBPART E: HEARINGS

- Section
- 5300.510 General
- 5300.515 Election to Proceed Under the Alternative Hearing Procedure
- 5300.520 Conduct of Hearing
- 5300.530 Powers and Duties of Administrative Law Judge
- 5300.540 Ex Parte Communications
- 5300.550 Form of Pleadings and Other Papers (Repealed)
- 5300.560 Appearances
- 5300.570 Place and Manner of Filing Papers (Repealed)

SUBPART F: COMPLAINT AND ANSWER

- Section
- 5300.610 Filing of Complaint
- 5300.620 Service of Complaint
- 5300.625 Elections in Real Estate Transaction Cases
- 5300.630 Notice of Hearing
- 5300.640 Answer
- 5300.650 Amendments to Pleadings
- 5300.660 Substitution and Addition of Parties

SUBPART G: DISCOVERY AND PRACTICE

- Section
- 5300.710 Prehearing Memorandum
- 5300.715 Discovery for Alternative Hearing Procedure Matters
- 5300.720 Discovery
- 5300.725 Filing of Disclosure Information and Discovery Material
- 5300.730 Motions and Objections
- 5300.735 Summary Decision
- 5300.740 Interlocutory Appeals
- 5300.745 Admission of Fact or of Genuineness of Documents
- 5300.750 Hearing Procedures

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

5300.760	Preparation of Recommended Order and Decision
5300.762	Preparation and Issuance of Final Order in Alternative Hearing Procedure Proceedings
5300.765	Petitions for Fees and/or Costs
5300.770	Settlement (Repealed)
5300.780	Voluntary Dismissal
5300.782	Authority for Sections 5300.783-5300.787 (Repealed)
5300.783	Fees and Costs (Repealed)
5300.784	Motion for Fees or Costs (Repealed)
5300.785	Responses to Motions for Fees or Costs (Repealed)
5300.786	Extensions of Time (Repealed)
5300.787	Supplemented Record (Repealed)

SUBPART H: PRACTICE IN FRONT OF THE COMMISSION

Section

5300.805	Scope of Motion Practice
5300.810	Recommended Order Not Final (Renumbered)
5300.815	Form of Motions and Objections
5300.820	Exceptions to Recommended Order (Renumbered)
5300.825	Presentation of Motions
5300.830	Responses to Exceptions (Renumbered)
5300.835	Emergency Motions
5300.840	Extensions Extension of Time (Renumbered)
5300.845	Agreed Motions and Orders
5300.850	Oral Argument (Renumbered)
5300.855	Extension of Time
5300.860	Form of Pleadings and Other Papers (Renumbered)
5300.865	Style of Documents for Commission Consideration
5300.870	Ex Parte Communications (Renumbered)
5300.880	Brief by Department (Renumbered)

SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

Section

5300.910	Finality of Recommended Order
5300.920	Exceptions to Recommended Order
5300.930	Responses to Exceptions
5300.940	Extensions of Time

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

5300.945	Acceptance of the Recommended Order for Review
5300.950	Oral Argument
5300.960	Form of Pleadings and Other Papers
5300.970	Ex Parte Communications
5300.980	Brief by Department

SUBPART J: REMANDMENT

Section	
5300.1010	Request to Present Additional Evidence
5300.1020	Motion for Rehearing Before an Administrative Law Judge
5300.1030	Remandment on the Commission's Own Motion
5300.1040	Remand Proceedings
5300.1050	Rehearing Before Full Commission (Renumbered)
5300.1060	Modification of Commission Order (Renumbered)

SUBPART K: ORDER AND DECISION OF THE COMMISSION

Section	
5300.1110	Commissioners Participating
5300.1120	Standard of Review
5300.1130	Proposal for Decision
5300.1140	Order and Decision
5300.1145	Interest
5300.1150	Rehearing Before Full Commission
5300.1160	Modification of Commission Order
5300.1170	Interlocutory Appeals

AUTHORITY: Implementing Articles 8, 8A and 8B and authorized by Section 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/8-102(E) and Arts. 8, 8A and 8B].

SOURCE: Filed November 15, 1975 by the Fair Employment Practices Commission; emergency amendment at 2 Ill. Reg. 12, p. 11, effective March 24, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 9, p. 40, effective March 1, 1979; amended at 3 Ill. Reg. 15, p. 100, effective April 9, 1979; transferred to the Human Rights Commission by the Illinois Human Rights Act, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 334, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2709, effective March 2, 1981; amended at 7 Ill. Reg. 9298, effective July 25, 1983; codified at 8 Ill. Reg. 18887; amended at 9 Ill. Reg. 6207, effective April 24, 1985; amended at 16 Ill. Reg. 7838, effective

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

June 1, 1992; emergency amendment at 20 Ill. Reg. 410, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 7820, effective June 1, 1996; amended at 22 Ill. Reg. 1336, effective January 1, 1998; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: REQUEST FOR REVIEW

Section 5300.400 Applicability of the Subpart

- a) ~~This Sections 5300.410 through 5300.495, inclusive, of Subpart D applies of this Part apply~~ only to requests for review in cases ~~in which where~~ the perfected charge was filed ~~after January 1, 2008 before January 1, 1996~~. Pursuant to Section 8-103 of the Act, the Commission ~~has does not have~~ jurisdiction over requests for review in cases ~~in which where~~ the "cause of action" was filed on or after ~~January 1, 2008 January 1, 1996~~.
- b) After ~~January 1, 2008 January 1, 1996~~, all requests for review received by the ~~Department Commission~~ will be evaluated by ~~Department the~~ staff to determine if the perfected charge in the case was filed on or after ~~January 1, 2008 January 1, 1996~~. If the perfected charge was, in fact, filed on or after ~~January 1, 2008 January 1, 1996~~, the staff of the ~~Department Commission~~ will stamp the date the request for review was received by the ~~Department Commission~~ on the face of that document and then forward it to the ~~Commission Department~~ for processing ~~pursuant to Section 8-103 of the Act pursuant to Section 7-101.1 of the Act~~.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 5300.490 Tolling of Time Period

The time limitation established in ~~paragraph (G) of~~ Section 7 ~~A-102 (G)~~ of the Act for the Department's filing of a complaint with the Commission shall be tolled during the period between issuance of the Department's notice of dismissal or default until entry of the Commission's order pursuant to Section 5300.480 ~~hereof~~.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.25	Amendment
710.30	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to: update season dates, site specific regulations for the special hunt at Midewin National Tallgrass Prairie, clarify regulations pertaining to cutting surfaces, add language stating that the use of electronic arrow tracking systems using radio telemetry are illegal, add a statutory reference for crossbow standards, and update the list of open sites and site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

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

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April ~~1314~~-Friday, April ~~17, 200918, 2008~~

2nd Season: Saturday, April ~~1819~~-Thursday, April ~~23, 200924, 2008~~

3rd Season: Friday, April ~~2425~~-Wednesday, April ~~29, 200930, 2008~~

4th Season: Thursday, ~~April 30~~~~May 1~~-Wednesday, May ~~6, 20097, 2008~~

5th Season: Thursday, May ~~78~~-Thursday, May ~~14, 200915, 2008~~

b) Southern Zone Season Dates:

1st Season: Monday, April ~~67~~-Friday, April ~~10, 200911, 2008~~

2nd Season: Saturday, April ~~1112~~-Thursday, April ~~16, 200917, 2008~~

3rd Season: Friday, April ~~1718~~-Wednesday, April ~~22, 200923, 2008~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

4th Season: Thursday, April ~~23~~²⁴-Wednesday, April ~~29, 2009~~^{30, 2008}

5th Season: Thursday, ~~April 30~~^{May 1}-Thursday, May ~~7, 2009~~^{8, 2008}

c) Open Counties:

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Coles
Cumberland
DeKalb
DeWitt
Edgar
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lee

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Livingston
Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford

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NOTICE OF PROPOSED AMENDMENTS

Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 710.25 Turkey Permit Requirements – Special Hunts

- a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for turkey hunting, which issue turkey hunting permits through the statewide lottery process. The Permit Office issues turkey hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section

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710.50(c).

Crab Orchard National Wildlife Refuge (check-in and check-out required at Visitor Information Center, windshield card required, area closed ½ hour after sunset to 1½ hours before sunrise, scouting allowed after noon including the afternoon of the day prior to the permitted hunting season)

Joliet Army Training Area (Will County) (check-in and check-out required at central check station; an additional turkey permit must be purchased from the Joliet Army Training Area)

Lake Shelbyville Project – U.S. Army Corps of Engineers – Moultrie County

Lake Shelbyville Project – U.S. Army Corps of Engineers – Shelby County

Midewin National Tallgrass Prairie (an additional site [hunting pass required; check-in, check-out and reporting of harvest required; access fee must be purchased from the USDA Forest Service](#))

Savanna Army Depot (Jo Daviess County)

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);

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- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used or possessed while turkey hunting. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches and broadheads must be used. Broadheads may have fixed or expandable [cutting surfaces](#)~~blades~~, but they must have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed [cutting surfaces](#)~~blades~~ must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable [cutting surfaces](#)~~blades~~ must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems [using radio telemetry](#), are illegal;
- e) [to use a crossbow device, except as provided by Section 2.33 of the Wildlife Code \[520 ILCS 5/2.33\]. Crossbow standards may be found in 17 Ill. Adm. Code 760 – Disabled Hunting Method Authorizations.](#)
- f)e) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season;
- g)f) for any person having taken the legal limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- h)g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- i)h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day as the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by

DEPARTMENT OF NATURAL RESOURCES

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the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter on the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in;

- | ~~1j~~ for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- | ~~1k~~ for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
- | ~~1k~~ for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field in the Southern Zone from March 15 through the day before the 1st turkey season and in the Northern Zone from March 22 through the day before the 1st turkey season. This prohibition only applies in counties open to spring turkey hunting. This prohibition does not apply to participants in the Youth Turkey Hunt with a valid permit, or their accompanying adult, during that season as prescribed by Section 710.70.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that are followed by a (1).

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NOTICE OF PROPOSED AMENDMENTS

c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Wildlife Management Area

[Copperhead Hollow State Wildlife Area](#)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

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Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

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

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

[Peabody River King State Fish and Wildlife Area \(except South Subunit\)](#)
(1)

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

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Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit~~beginning the Saturday prior to the regular season~~; hunters must have their permit in possession while scouting; ~~permit holders must display a parking card on the dash of their vehicle~~; only hunters with valid Burning Star 5 spring turkey permits may be on the property)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

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Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

[Eagle Creek State Park \(first two seasons only\) \(1\)](#)

[Eldon Hazlet State Park](#)

Falling Down Prairie State Natural Area (1)

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

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Moraine View State Park (no hunting on weekends during 4th and 5th season) (1)

[Mt. Vernon Game Propagation Center](#)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

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Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

[South Shore State Park \(must have Eldon Hazlet State Park permit\)](#)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

[Wayne Fitzgerald State Recreation Area](#)

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

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 710.70 Spring Youth Turkey Hunt

a) Hunting Dates

- 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.

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- 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
 - c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
 - d) Permit Requirements – Spring Youth Turkey Hunt
 - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
 - 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
 - 4) Applications will be accepted through the second Monday in February.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.

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- 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license [or apprentice hunting license](#) and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].
 - 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
 - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

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Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Castle Rock State Park

[Copperhead Hollow State Wildlife Area](#)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

[Dog Island Wildlife Management Area](#)

Falling Down Prairie State Natural Area (1)

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

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Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

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

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)

(+)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

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Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting; permit holders must display a parking card in the dash of their vehicle)

Clinton Lake State Recreation Area

[Coffeen Lake State Fish and Wildlife Area](#)

Crab Orchard National Wildlife Refuge (Closed Portion)

[Eldon Hazlet State Park](#)

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Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Hidden Springs State Forest

Jim Edgar Panther Creek State Fish and Wildlife Area

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
Moultrie County](#)

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
Shelby County](#)

Sangchris Lake State Park

[South Shore State Park \(must have Eldon Hazlet State Park permit\)](#)

Weldon Springs – Piatt County Unit

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Viral Hemorrhagic Septicemia Virus
- 2) Code Citation: 17 Ill. Adm. Code 875
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
875.10	New Section
875.20	New Section
875.30	New Section
875.40	New Section
875.50	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125, and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125, and 25-20]
- 5) A Complete Description of the Subjects and Issues Involved: This Part has been proposed to implement regulations to slow the spread of Viral Hemorrhagic Septicemia Virus (VHS), which can cause devastating fish kills in certain sportfish species. VHS has been spreading throughout the Great Lakes region and was recently isolated in the Illinois waters of Lake Michigan at Winthrop Harbor. Fish can be infected by direct contact with other infected fish, by consuming infected prey, or from contact with water which contains the virus. There is no vaccine for VHS, so control methods rely upon prevention techniques. It is necessary that the State of Illinois take action to decisively protect its inland waters from VHS.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

<u>Section Numbers:</u>	<u>Emergency Action:</u>	<u>Illinois Register Citation:</u>
875.10	New Section	32 Ill. Reg. 10636; July 11, 2008
875.20	New Section	32 Ill. Reg. 10636; July 11, 2008
875.30	New Section	32 Ill. Reg. 10636; July 11, 2008
875.40	New Section	32 Ill. Reg. 10636; July 11, 2008
875.50	New Section	32 Ill. Reg. 10636; July 11, 2008

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- Telephone: 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department was not aware that rulemaking would be necessary.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 875
VIRAL HEMORRHAGIC SEPTICEMIA VIRUS

Section	
875.10	Definitions
875.20	Susceptible Species
875.30	Permits
875.40	Fish Health Inspection Reports
875.50	Unlawful Acts/Penalties

AUTHORITY: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 10636, effective June 30, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. _____, effective _____.

Section 875.10 Definitions

"Affected Regions" – those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec.

"Aquatic Life Farm" – property containing any or a combination of levee ponds, a strip mine lake or other type of lake maintained for the exclusive purpose of rearing aquatic life for harvest and resale.

"Baitfish" – live or dead species of fish or parts of fish, excluding roe, that are used by anglers to catch or attempt to catch fish.

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"BlueBook" – Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, Bethesda, Maryland (2005 Edition).

"Department" – the Illinois Department of Natural Resources.

"Farm-Raised" – any species of aquatic life that has been reared entirely in captivity on an aquatic life farm.

"Fish Health Inspection Report" or "FHIR" – official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with BlueBook or OIE standards.

"Lot" – a population of fish as defined in the BlueBook.

"OIE" – the World Organization for Animal Health.

"Private Waters" – waters of the State of Illinois that are wholly upon properties held in private ownership and contained on the land of the owner.

"Public Waters" – all other waters of the State of Illinois.

"Resident" – a person who actually resides in Illinois. For businesses, resident means at least 51% owned by Illinois residents and organized under the laws of Illinois.

"Specific Pathogen Free" or "SPF" – a lot of fish that have tested negative for VHS.

"VHS" or "VHSv" – Viral hemorrhagic septicemia or the VHS virus. For purposes of this Part, VHSv and VHS are considered synonymous.

"Wild-Trapped" – any species of aquatic life that has any portion of its life history not under direct control of an aquatic life farm (i.e., those that are not farm-raised).

Section 875.20 Susceptible Species

- a) For purposes of this Part, susceptible species are:

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- 1) those species designated by USDA-APHIS in the Federal Order update of April 2, 2008;
 - 2) hybrids (offspring) of listed species for which both parent species are listed;
 - 3) all species that originate from affected regions; and
 - 4) wild-trapped species that originate east of the Mississippi River.
- b) The current list of susceptible species from the APHIS Federal Order is as follows:

Black crappie	<i>Pomoxis nigromaculatus</i>
Bluegill	<i>Lepomis macrochirus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Brown bullhead	<i>Ictalurus nebulosus</i>
Brown trout	<i>Salmo trutta</i>
Burbot	<i>Lota lota</i>
Channel catfish	<i>Ictalurus punctatus</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Emerald shiner	<i>Notropis atherinoides</i>
Freshwater drum	<i>Aplodinotus grunniens</i>
Gizzard shad	<i>Dorosoma cepedianum</i>
Lake whitefish	<i>Coregonus clupeaformis</i>
Largemouth bass	<i>Micropterus salmoides</i>
Muskellunge	<i>Esox masquinongy</i>
Shorthead redhorse	<i>Moxostoma macrolepidotum</i>
Northern Pike	<i>Esox lucius</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Rainbow trout	<i>Onchorhynchus mykiss</i>
Rock bass	<i>Ambloplites rupestris</i>
Round goby	<i>Neogobius melanostomus</i>
Silver redhorse	<i>Moxostoma anisurum</i>
Smallmouth bass	<i>Micropterus dolomieu</i>
Spottail shiner	<i>Notropis hudsonius</i>
Trout-Perch	<i>Percopsis omiscomaycus</i>
Walleye	<i>Sander vitreus</i>

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White bass	Morone chrysops
White perch	Morone americana
Yellow perch	Perca flavescens

- c) Examples:
- 1) Hybrid bluegill (bluegill X green sunfish) are not considered susceptible species as only one parent species is listed.
 - 2) Tiger muskellunge (muskellunge X northern pike) are considered susceptible species because both parent species are listed.
 - 3) All wild-trapped minnows are subject to certification standards if they originate from eastern states.
 - 4) Farm-raised minnows from affected regions (defined in Section 875.10) are subject to testing.
 - 5) Farm-raised minnows from Arkansas or Missouri are not subject to testing.
- d) The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department's website (<http://dnr.state.il.us>). Updates to the list of susceptible fish species will be made as necessary, and notice shall be given by issuing a press release, by publication in the official State newspaper, and by such other means as the Department determines are reasonably likely to inform the public, including notification on the Department website.

Section 875.30 Permits

- a) Application Requirements
- Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources in accordance with Sections 10-110 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-110, 20-100] for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes, under the following provisions:

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- 1) Applicants wishing to import live VHS-susceptible species must make application to the Department in writing, at the following address:

Illinois Department of Natural Resources
Region V Office
VHS-Susceptible Species Permit
11731 State Hwy. 37
Benton IL 62812

- 2) The Department may accept applications via fax or email if time permits and it is deemed to be in the best interest of the Department to do so.
- 3) Applications must contain the following minimum information:
 - A) name, address and telephone number of the applicant, including the business, research or educational institution;
 - B) the common and scientific name, size and total number (or pounds) of each VHS-susceptible species for which a permit is requested;
 - C) date of anticipated imports and number of shipments;
 - D) source of supply, including name, address and telephone number of the supplier; and
 - E) any other information requested by the Department (e.g., route of transportation, holding facility location, stocking locations, disposition of animals and federal permit, if required).

b) Issuance Criteria

The Department shall consider the following in determining whether to issue a permit to import live VHS-susceptible species:

- 1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes;
- 2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department;

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- 3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and
 - 4) whether the Department approves of the stocking locations based upon the potential risk to the fishery resource of the State.
- c) Permit Conditions
- Permits issued to import live VHS-susceptible species shall be subject to the following conditions:
- 1) All specimens approved under the permit must be imported only to the facilities, and at the location approved on the permit.
 - 2) A person in possession of VHS-susceptible species, at all times during shipment and stocking, shall allow the Department, its agents or authorized employees to inspect the shipment and pertinent records to ensure compliance with this Part.
 - 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit or accompanying letter.
 - 4) All importers shall maintain records documenting disposition of all VHS-susceptible species for a minimum of 2 years from date of disposition.
 - 5) It is unlawful for any person to violate any condition stipulated on the permit or accompanying letter issued by the Department. Violation of any special condition will result in revocation of the permit.
 - 6) Shipments found in violation of this Part shall be subject to confiscation, quarantine and/or seizure. Disposition of specimens confiscated, placed under quarantine (including conditions under which they may be sold, traded, bartered or transferred), or seized under this Part shall be as designated by the Department.

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d) Permit Exceptions

The permits required by subsection (a) do not apply to:

- 1) Any licensed veterinarian, agent of a veterinary clinic, fish pathologist, or fish health inspector recognized by the American Fisheries Society providing diagnostic services subject to all of the following conditions:
 - A) the fish are in transit to an approved research or diagnostic laboratory authorized by the Department to work with VHS;
 - B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office; and
 - C) effluent and carcasses shall be considered medical waste and shall be disposed of at the receiving research or diagnostic facility according to all applicable EPA and State regulatory criteria.
- 2) Any person moving fish to a slaughter facility subject to all of the following conditions:
 - A) the fish are for human consumption;
 - B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office;
 - C) the fish are being transported to a State-inspected slaughter facility that:
 - i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or
 - ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; and
 - D) offal, including carcasses, from the slaughter facility must be rendered or composted.

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- 3) Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait.
- 4) Any shippers in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport live VHS-susceptible species across Illinois. Under no circumstances shall an interstate transporter:
 - A) transfer any VHS-susceptible species from one container to another; or
 - B) exchange or discharge water or other materials from a container containing VHS-susceptible species without first obtaining written permission from the Department.
- 5) Persons having a Salmonid Import Permit issued in accordance with 17 Ill. Adm. Code 870, provided that:
 - A) FHIR is issued in accordance with Section 875.40(a); and
 - B) lot inspections (60 fish each) were tested according to the Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook.

Section 875.40 Fish Health Inspection Reports

- a) Official FHIR must be issued by and received directly from one of the following:
 - 1) the state competent authority for fish health in the issuing state;
 - 2) a Department approved veterinarian offering diagnostic services for aquatic animals; or
 - 3) a Department approved laboratory for certifying lots of fish as VHS-free.
- b) It is the responsibility of the importer and/or supplier to arrange for appropriate delivery of FHIR.

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- c) FHIR must contain the suppliers contact information, water supply, lot designation, original egg or fry source, age of fish, number in lot, size, pathogens tested, numbers of individuals sampled, results, and original signature of the inspector.
- d) FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - 1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or
 - 2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.

Section 875.50 Unlawful Acts/Penalties

- a) It shall be unlawful to:
 - 1) import VHS-susceptible species into the State of Illinois without a VHS-Susceptible Species Permit issued by the Department;
 - 2) stock VHS-susceptible species into waters of the State, unless a FHIR is on file with the Department;
 - 3) remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities;
 - 4) remove natural water from waters of the State via bait bucket, livewell, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities;
 - 5) remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, livewell, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and
 - 6) use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken.

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- b) Violation Classifications
 - 1) Violation of subsection (a)(1) is a Petty Offense if the value of the aquatic life is less than \$300 (see 515 ILCS 5/10-105), and a Class 3 felony if the value of the aquatic life is \$300 or more (see 515 ILCS 5/5-25).
 - 2) Violation of subsection (a)(2) is a Class A misdemeanor (see 515 ILCS 5/10-100b) and violation of subsection (a)(3), (4), (5) or (6) is a Petty Offense (see 515 ILCS 5/1-150).
- c) Revocation/Suspension
 - 1) Any violations of the Fish and Aquatic Life Code or administrative rules of the Department may result in revocation of licenses and permits, as well as suspension of privileges for up to five years.
 - 2) Violation of any conditions of a permit issued under this Part shall result in cancellation of the permit.

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- 1) Heading of the Part: Special Wildlife Funds Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3060
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3060.10	Amendment
3060.20	Amendment
3060.30	Amendment
3060.40	Amendment
3060.50	Amendment
3060.60	Amendment
3060.70	Amendment
3060.75	New Section
3060.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate statutory changes providing specific funding for grants for the maintenance of rehabilitation facilities that take care of threatened or endangered species. Language is being incorporated to add a new Section, clarify definitions and make minor changes to maintain consistency throughout the Part.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Stanley Yonkauski, Jr., Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: In addition to providing grants to managers of land, governmental entities, researchers, nonprofit organizations and individuals for the purpose of enhancing game and non-game wildlife habitat, land acquisition and education, rehabilitators of injured, threatened or endangered wildlife will now be eligible to receive grant funds.
- B) Reporting, bookkeeping or other procedures required for compliance: Eligible recipients must comply with application procedures and submit comprehensive plans. Once the grant is awarded, the grantee must submit a written Final Report to the Department within 30 days. For multiple year projects, grantees may be required to submit an Annual Progress Report and must keep records relating to the project.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3060
SPECIAL WILDLIFE FUNDS GRANT PROGRAM

Section

3060.10	Overview
3060.20	Definitions
3060.30	Illinois Habitat Fund Grant Program
3060.40	State Pheasant Fund Grant Program
3060.50	State Furbearer Fund Grant Program
3060.60	State Migratory Waterfowl Stamp Fund Grant Program
3060.70	Illinois Wildlife Preservation Fund Grant Program
<u>3060.75</u>	<u>Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species</u>
3060.80	General Requirements

AUTHORITY: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155].

SOURCE: Adopted at 29 Ill. Reg. 4042, effective February 24, 2005; amended at 32 Ill. Reg. _____, effective _____.

Section 3060.10 Overview

- a) The Department of Natural Resources receives fees derived from the sale of State Habitat Stamps and State Migratory Waterfowl Stamps and through a voluntary check-off designation on State income tax return forms. These monies are deposited in several funds: Illinois Habitat Fund, State Pheasant Fund, State Furbearer Fund, State Migratory Waterfowl Stamp Fund and the Illinois Wildlife Preservation Fund. These funds are to be used by the Department in accordance with the statutes that establish the funds.
- b) The Special Wildlife Funds Grant Program provides a variety of grants from the Special Wildlife Funds to managers of land, governmental entities, researchers,

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nonprofit organizations and individuals for the purpose of enhancing game and non-game wildlife habitat; land acquisition; ~~and~~ education; and maintenance of wildlife rehabilitation facilities that take care of threatened or endangered wildlife. Special Wildlife Funds may also be used in accordance with applicable statutes for projects and activities undertaken by the Department. This Part does not limit, affect or apply to the authority of the Department to use the Special Wildlife Funds for its own projects and activities in accordance with applicable statutes.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.20 Definitions

"Appropriate Not-For-Profit Organization" means a not-for-profit corporation that is organized pursuant to the General Not For Profit Corporation Act of 1986 [805 ILCS 105], is in good standing as a not-for-profit corporation and is~~organization~~ authorized to conduct affairs in Illinois with one of its purposes as stated in its Articles of Incorporation or Bylaws being the support, development, conservation or promotion of wild pheasants (State Pheasant Fund), wild waterfowl (State Migratory Waterfowl Stamp Fund) or wild fur-bearing mammals (State Furbearer Fund), ~~or~~ the management of habitat for future generations (Illinois Habitat Fund), or wildlife rehabilitation.

"Cooperator" means any landowner participating in the benefits from a Special Wildlife Funds grant. The cooperator may or may not be enrolled in a federal or State conservation program that is also ~~to be~~ receiving a benefit from a Special Wildlife Funds grant.

"Deadline" means the date stated in this Part or the next business day if the deadline date falls on a Saturday, Sunday or holiday.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Endangered Wildlife" means any species of animal classified as endangered under the Illinois Endangered Species Act [520 ILCS 10] and 17 Ill. Adm. Code 1010.

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"Enhance" means to make better in quality or value.

"Equipment" means tangible nonexpendable personal property having a useful life of more than one year and acquisition cost of \$500 or more per unit. Furthermore, a group of items costing less than \$500 each that, when combined, make up one functional unit with a combined cost of \$500 or greater, is considered one piece of equipment (e.g., burn equipment).

"Farm Program" means any State or federal program that provides financial incentives to landowners who participate in conservation programs intended to reduce erosion, guard streams and rivers, restore and establish wildlife habitat and improve air and water quality, such as the U.S. Department of Agriculture's Conservation Reserve and Wetland Reserve Programs, the Department's Conservation Reserve Enhancement Program, etc.

"Grantee" means the successful applicant for funding of a project from one of the Special Wildlife Funds.

"Habitat" means all wetlands, woodlands, grasslands and agricultural lands, natural or altered, that support or have the potential to support populations of wild animals and/or native plant resources in any or all phases of their life cycles.

"Manage" means to direct or control the use of.

"Managers of Land" means any appropriate not-for-profit organization or governmental agency that has the expertise, the equipment, adequate staff/workforce and permission from the landowner (if applicable) to develop and/or manage habitat.

"Mississippi Flyway" means the states of Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Iowa, Missouri, Arkansas, Kentucky, Tennessee, Alabama, Mississippi and Louisiana and the Canadian provinces of Saskatchewan, Manitoba and Ontario.

"Non-Game Wildlife" means any wildlife species that are not commonly pursued, killed, or consumed either for sport or profit, except house sparrow, European starling, domestic pigeon and species not indigenous to the State of Illinois.

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"North American Waterfowl Management Plan" is a coordinated effort by individuals, organizations and agencies of the three countries (Canada, U.S. and Mexico) to conserve wetlands and increase waterfowl and wetland bird populations. It promotes joint ventures that are partnerships that protect, restore and enhance wetlands, uplands and riparian areas; manage habitat for waterfowl, shorebirds, non-waterfowl migratory birds and endangered species; improve water quality through watershed protection; and seek profitable agriculture and abundant wildlife.

"Person" means any individual, group, organization or entity.

"Perpetuate" means to prolong the existence of non-game wildlife and/or native plant resources through direct activities or through educating members of the general public on protection and preservation of these life forms.

"Preserve" means to maintain in safety from injury, peril or harm and to keep in perfect or unaltered condition and maintain unchanged.

"Project" means a proposal and follow-up activity for a habitat acquisition or development, including purchase, lease or other reasonable acquisition of equipment or education project as described on the application for assistance from one of the Special Wildlife Funds.

"Protect" means to keep from being damaged, attacked, stolen or injured.

"Public Access" means the right of the general public to approach, enter, exit or make use of.

"Public Use" means the right of the general public to utilize, with or without paying a fee.

"Special Wildlife Funds" means the Illinois Habitat Fund, State Pheasant Fund, State Furbearer Fund, State Migratory Waterfowl Stamp Fund or the Illinois Wildlife Preservation Fund.

["Threatened Wildlife" means any species of animal classified as threatened under the Illinois Endangered Species Act \[520 ILCS 10\] and 17 Ill. Adm. Code 1010.](#)

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"Wildlife" means any fauna living in a natural state without the direct care of man (i.e., captive, cultivated, etc.).

"Wildlife Rehabilitation Facility" means a facility that provides rehabilitation to wildlife.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.30 Illinois Habitat Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to managers of land.
 - 2) Eligible projects are limited to those seeking to preserve, protect, acquire or manage habitat in Illinois.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be August 1. Application forms and instructions are available through the Department. Applications received after the application deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) wildlife to benefit from the project

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- ii) plan for implementation
 - iii) map of project area
 - iv) amount of habitat to be established or managed, including species to be planted or eliminated
 - v) if with cooperators, plat map showing each property to be developed and a copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)
- E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
- F) a comprehensive funding/budget summary, including:
- i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities
- G) description of plan for general public access or use (or lack thereof)
- H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the information required by the application packet will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application deadline beyond the designated deadline date. All complete, [eligible](#) and timely applications will be forwarded to the Illinois Habitat Fund Advisory Committee.

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- 2) The Illinois Habitat Fund Advisory Committee shall evaluate each application presented to it according to criteria such as: past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority of the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Habitat Fund, ~~along with any dissent from the Committee's recommendation.~~
- 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the Illinois Habitat Fund Advisory Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.40 State Pheasant Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations.
 - 2) Eligible projects are limited to projects with the purpose of wild pheasant conservation. The projects may include land acquisition, pheasant habitat improvement on public or private land, pheasant research or education of the public regarding pheasants and pheasant hunting.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be August 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.

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- 2) Applications shall contain all of the following required information:
- A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) plan for implementation
 - ii) map of project area
 - iii) number of acres to be improved
 - iv) amount of habitat to be established or managed, including species to be planted or eliminated
 - v) if with cooperators, plat map showing each property to be developed and copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)
 - vi) target audience for education projects, with objectives, methodology, measurable outcomes and products resulting from the project that can be used after completion
 - E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
 - F) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities

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- G) description of plan for general public access or use (or lack thereof)
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the information required by the application packet will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application deadline beyond the designated deadline date. All [complete, eligible and timely](#) applications will be forwarded to the State Pheasant Committee for funding recommendations.
 - 2) The State Pheasant Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority for the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Pheasant Fund.
 - 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Pheasant Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.50 State Furbearer Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations, governmental entities, educational institutions or corporations.

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- 2) Eligible projects are limited to those that educate hunters and trappers of fur-bearing mammals within the State and the general public concerning the role that hunting and trapping has upon fur-bearing mammal management; ~~concerning~~ the laws associated with the harvesting of fur-bearing mammals; the techniques used in the hunting and trapping of fur-bearing mammals; the conservation, management and ecology of fur-bearing mammals; and the promotion of products made from wild fur-bearing mammals.
- b) Application Procedures
- 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be March 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) furbearers to benefit from the project
 - ii) the target audience, with objectives, methodology, measurable outcomes and products resulting from the project that can be used after completion
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount

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- ii) documented purchase price of equipment or commodities
- F) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
 - 1) All applications received on time and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. All [complete, eligible and timely](#) applications will be forwarded to the State Furbearer Committee for funding recommendations.
 - 2) The State Furbearer Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, priority for the Department and the applicant's cost-share match. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Furbearer Fund.
 - 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Furbearer Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.60 State Migratory Waterfowl [Stamp](#) Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations.
 - 2) Eligible projects are limited to development of waterfowl propagation areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway and projects to implement the North American Waterfowl Management Plan for the development of

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waterfowl areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway.

- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be January 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) waterfowl to benefit from the project
 - ii) plan for implementation
 - iii) map of project area
 - iv) number of acres to be improved
 - v) if with cooperators, plat map showing each property to be developed and copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)

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- vi) evidence the project is acceptable to the appropriate governmental entity having jurisdiction over the lands and waters affected by the project
 - E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
 - F) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities
 - G) description of plan for general public access or use (or lack thereof)
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. All [complete, eligible and timely](#) applications will be forwarded to the State Duck Stamp Committee for funding recommendations.
 - 2) The State Duck Stamp Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority for the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Migratory Waterfowl Stamp Fund.

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- 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Duck Stamp Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 3060.70 Illinois Wildlife Preservation Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to persons.
 - 2) Eligible projects are limited to those seeking to preserve, protect, perpetuate or enhance non-game wildlife and/or native plant resources in Illinois through research, management or education.
 - 3) Grants shall be limited to a maximum of \$2,000.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be April 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:

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- i) species to be preserved, protected, perpetuated or enhanced
 - ii) plan for implementation, operation and maintenance
 - iii) property location and map of property and any neighboring habitat linkage, if applicable
 - iv) number of acres to be improved, preserved or protected
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) labor equity contributions
 - iii) documented price of equipment or commodities
 - F) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time, and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. Department staff will select those projects that they determine best fit the purposes of the fund and prepare a prioritized list of projects recommended for funding. Staff will consider the following in making recommendations: completed application, deadline met, past grant performance of applicant, eligibility, feasibility, habitat quality on the property, adverse impacts and priority for the Department. The staff shall provide to the Director all eligible applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Wildlife Preservation Fund.
 - 2) The Director shall make the determination of what grants shall be awarded. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 3060.75 Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species

Pursuant to the Illinois Non-Game Wildlife Protection Act [30 ILCS 155/4(c)], 5% of the Illinois Wildlife Preservation Fund will be committed to or expended on grants by the Department for the maintenance of wildlife rehabilitation facilities that take care of threatened or endangered species. For purposes of calculating the 5%, the amount in the Fund is exclusive of any federal funds deposited in or credited to the Fund. The amount to be committed to or expended on grants for the maintenance of facilities that take care of threatened or endangered species shall be calculated by multiplying the total amount received through the Illinois Wildlife Preservation Fund check-off on the Illinois 1040 State income tax return during the most recent calendar year for which the total of donations has been reported by the Illinois Department of Revenue by 0.05.

a) Eligibility Requirements

- 1) Eligible recipients are limited to those persons who possess a current wildlife rehabilitation license/permit issued by the Department and who have provided care for threatened or endangered wildlife species during the 3-year period preceding the date of their application for grant funds. Those applicants who intend to use any portion of grant funds received from the Department to take care of migratory birds must also possess a current wildlife rehabilitation license/permit issued by the U.S. Fish and Wildlife Service allowing that activity.
- 2) Eligible projects are limited to those projects necessary for maintenance of facilities used to rehabilitate threatened or endangered species. Eligible uses of grant funds are limited to structural repair and maintenance of existing buildings, pens, cages and appurtenant facilities used to take care of threatened or endangered wildlife species.
- 3) Grants shall be limited to a maximum of \$2,000 to qualified, eligible applicants per year.

b) Application Procedures

- 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The

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application deadline will be April 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.

- 2) Applications shall contain all of the following required information:
- A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) a description of the facilities, including photographs, at which the grant funds will be used
 - ii) detailed description of the eligible uses for which grant funds will be expended, including drawings and/or photographs illustrating the portions of the facilities that will be maintained with grant funds
 - iii) detailed description of the benefits to threatened or endangered wildlife species that will result from the proposed expenditure of grant funds
 - iv) property location and map of property
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) labor equity contributions
 - iii) documented price of expected expenditures for the maintenance project

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- F) a list of all threatened or endangered wildlife species cared for at the facility in the 3 years preceding the application for grant funds and the percentage of the facility's total caseload comprised of threatened or endangered wildlife species during that 3 year period
 - G) a photocopy of current wildlife rehabilitation licenses/permits issued to the applicant by the Department and/or the U.S. Fish and Wildlife Service
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time, and containing the minimum required information, will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. Department staff will select those projects that they determine best fit the purposes of the fund and prepare a prioritized list of projects recommended for funding. Staff will consider the following in making recommendations: completed application, deadline met, past grant performance of applicant, eligibility, feasibility, adverse impacts and priority for the Department. The staff shall provide to the Director all eligible applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Wildlife Preservation Fund.
 - 2) The Director shall make the determination of what grants shall be awarded. Applicants shall be notified of the Director's decision.
 - 3) Reporting Requirements
 - A) The grantee shall provide a written Final Report (consisting of two hard copies and one CD or 3½" diskette in Word or PDF format; Macintosh format will not be accepted) to the Department no later than 30 days following the completion of the project or the ending date of the grant agreement, whichever is earlier. The Final Report shall take the form of a technical report or manuscript for publication and include all of the following required information:

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- i) grant agreement number
grantee name, address and telephone number
time-frame of the report
name and telephone number or e-mail address of grantee representative completing the report
- ii) project objective as described in the application and grant agreement
- iii) completed project description
- iv) summary of the project accomplishments (if applicable) as follows:
introduction, materials and methods, results, discussion and summary sections
deliverables of five to 10 digital images (color/black and white photos and slides are acceptable, though digital images are preferred) depicting the study species, project site, project activities, or other aspects of the project
for education of the general public, a list of wildlife and/or native plant resources (by species) that benefited from the project and how they benefited, specific audience affected, measurable outcomes achieved, and list of products resulting from the project
total project expenditures itemized to include the following: name and address of vendor, item description identifying details (if applicable), quantity purchased, date item purchased
project expenditures paid by funds other than Special Wildlife Grant Funds

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- B) Final payment will not be processed until the Final Report and payment request certification are received and approved by the Department. Failure to provide reports in a timely fashion may render the grantee ineligible to receive payments under the current award or make the grantee ineligible for future awards. Deadlines for reports may be extended for just cause when a request is submitted in writing at least two weeks prior to the deadline.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 3060.80 General Requirements

- a) Grant Compliance
- 1) Agreement
- A) When a grant has been awarded, the grantee and the Director of the Department, or the Director's designee on behalf of the Department, shall execute an agreement. In order for the costs to be eligible for funding, the project must not be initiated and costs shall not be incurred prior to the time the Department approves the grant agreement application. This grant shall not be used to reimburse an applicant for any costs incurred prior to the execution of the grant agreement.
- B) The agreement shall contain substantive provisions including, but not limited to, the following:
- i) a recitation of legal authority pursuant to which the agreement is made
- ii) an identification of the project scope and schedule and the work or services to be performed or conducted by the grantee
- iii) an identification of the grant amount

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- iv) the condition and manner by which the Department shall pay the grant amount, subject at all times to annual appropriation by the General Assembly
 - v) the irrevocable promise by the grantee to pay the local match (if any) of the total project cost
 - vi) a promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the written consent of the Department
 - vii) a promise by the grantee not to amend the agreement without the written consent of the Department; failure to do so will result in a cost disallowance; the project must be completed by the completion date on the notice of grant award unless a written request for an extension is submitted no later than 30 days prior to the award completion date
 - viii) a covenant that the grantee shall expend the grant award and any accrued interest only for the purposes of the project as stated in the application and approved by the Department
 - ix) a covenant that the grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Special Wildlife Funds Grant Program
- 2) Grant funds for projects approved through the Special Wildlife Funds Grant Program may be made available for expenditure by a grantee for a period no longer than 2 years, except where such grant funds are disbursed in reimbursement of costs previously incurred by the grantee.
- 3) Acknowledgment of Funding Source
- A) The grantee shall give proper credit to the appropriate Special Wildlife Fund and coordinate with the Department on any publication, written document, news article, television and radio

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release, interview or personal presentation, if initiated by the grantee, which refers to the project.

- B) The grantee shall post a sign, include a logo or affix a decal, if practical and applicable, crediting the applicable Special Wildlife Fund. Signs, [logos](#) and decals shall be supplied by the Department. The appropriate Advisory Committee will provide guidance to the grantee for posting of signs, [logos](#) and decals on projects awarded under its Special Wildlife Fund.

4) Reporting Requirements

- A) A grantee shall provide a written Final Report to the Department no later than 30 days following the ending date of the agreement. The Final Report shall include all of the following required information:
- i) project information including:
 - grant agreement number
 - grantee name, address and telephone number
 - time-frame of the report
 - name and telephone number or e-mail address of grantee representative completing the report
 - ii) project objective as described in the application and grant agreement
 - iii) completed project description
 - iv) summary of the project accomplishments involving habitat preserved, protected, acquired, managed or improved (if applicable) through the grant, including:
 - list of wildlife and/or native plant resources (by species) that benefitted from the project and how they benefitted

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acres planted in cool season grasses, warm season grasses, forbs, legumes, shrubs, trees or other appropriate description, including whether the acres were new or replanted acres

acres sprayed or controlled through the use of herbicides

acres upon which controlled burns were undertaken

acres affected through woody vegetation and/or tree removal

acres planted, disked, mowed, sprayed, or burned, or trees/shrubs planted or removed with equipment purchased through the grant

number of cooperators involved in the project

[5 to 10 digital images depicting the study species, project site, project activities or other aspects of the project](#)

- v) summary of the project accomplishments for the education of the general public (if applicable) through the grant, including:

list of wildlife and/or native plant resources (by species) that benefitted from the project and how they benefitted

specific audience affected

measurable outcomes achieved

list of products resulting from the project

- vi) summary of the project research accomplishments (if applicable) resulting from the grant, including:

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list of wildlife and/or native plant resources (by species)
that benefitted from the research undertaken in the project
and how they benefitted

how such research can be implemented to benefit the
targeted wildlife and/or native plant resources

vii) total project expenditures itemized to include the following:

name and address of vendor

item description identifying details (if applicable) such as:

make, model, serial number of any equipment or
commodities purchased

brand name, seed species/mix

quantity purchased

date item purchased

viii) project expenditures paid by funds other than Special
Wildlife Grant Funds

ix) documentation to support summarized report including a
complete list of landowner names and full address (note if
absentee owner), acreage location and acres affected by the
project. Multiple conservation practices on the same
acreage does not multiply the acreage

B) For multiple year projects, the Department may require the grantee
to submit an Annual Progress Report for each year during which
the project is active. The Annual Progress Report shall include the
same information listed in subsection (a)(4)(A) for the Final
Report as pertains to the current year.

C) Failure to provide the Final Report or Annual Progress Report as
required in subsection (a)(4)(A) may render the grantee ineligible

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to receive payments under the current award or make them ineligible for future awards. Deadlines for reports may be extended for just cause when requests are submitted in writing at least 2 weeks prior to the deadline.

5) Financial Management

- A) The grantee shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs. All assets acquired through Special Wildlife Funds shall be accounted for. These records shall be available for audit by appropriate personnel of the Department and the State Auditor General. All records shall be retained in accordance with State laws.
- B) Any funds (including any interest earned) not expended or legally obligated at the completion of the project or at the end of the agreement, whichever is earlier, shall be returned to the Department within 45 days to be deposited in the applicable Special Wildlife Fund. If the purchase is initiated and documented by a written purchase order or invoice prior to the end of the term of the agreement and payment is made within 60 days, the expense is allowable.
- C) Interest earned on funds received as an advance payment shall become part of the project principal and may only be used for eligible activities.
- D) Any expenditure that does not comply with the grant agreement shall be disallowed and shall be returned to the Department for deposit into the applicable Special Wildlife Fund.

- 6) Whenever a grantee violates this Part, it shall be ineligible for further assistance for a period of 2 years.

b) Equipment

- 1) [Equipment that is eligible to be purchased with Special Wildlife Funds will be limited by the purpose of the particular grant program.](#)

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- A) Illinois Habitat Fund Grant Program and State Pheasant Fund Grant Program
Equipment that specifically establishes, maintains or restores habitat, such as native grass drills, tree planters, seeders, sprayers, tillers, disks, mowers, ~~and~~ tractors and burn equipment is eligible to be purchased with Special Wildlife Funds. Vehicles such as trucks, all-terrain vehicles (ATVs), etc., are not eligible for Special Wildlife Funds.
- B) State Furbearer Fund Grant Program
Equipment that specifically provides educational opportunities in an eligible project (see Section 3060.50(a)) is eligible to be purchased with Special Wildlife Funds.
- C) State Migratory Waterfowl Stamp Fund Grant Program
Equipment that specifically develops, maintains or restores waterfowl propagation areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway is eligible to be purchased with Special Wildlife Funds. Vehicles such as trucks, all-terrain vehicles (ATVs), etc., are not eligible for Special Wildlife Funds.
- D) Illinois Wildlife Preservation Fund Grant Program
Equipment that specifically preserves, protects, perpetuates or enhances non-game wildlife and/or native plant resources through research, management or education is eligible to be purchased with Special Wildlife Funds.
- E) Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species
No equipment is eligible to be purchased with monies from the Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species Fund.
- 2) Grantees will be responsible for the maintenance of any equipment purchased through the Special Wildlife Funds Grant Program.

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- 3) Equipment is to be kept safe and secure by the grantee.
- 4) Equipment [for habitat establishment, maintenance or restoration](#) is to be available for use by the general public ~~for habitat development and management~~.
- 5) The grantee may charge a fee for the use of [habitat establishment, maintenance or restoration](#) equipment. Rental fees shall not exceed \$3/acre for habitat development equipment such as native grass drills, tree planters, seeders, sprayers, tillers, disks, mowers, tractors or other planting equipment purchased with Special Wildlife Funds. Rental fees shall be disclosed with the application for funding assistance in purchasing the equipment. All monies collected as rental fees shall be used solely to maintain the equipment for which they are charged. The rental fees charged and received by the grantee shall also be disclosed on the reporting of the use of that equipment. No other fees beyond a rental fee may be charged by the grantee for use of the equipment.
- 6) The grantee shall submit an [EquipmentEmergency](#) Use Report on the use of all equipment purchased with Special Wildlife Funds. The Equipment Use Report shall include all of the following required information:
 - A) Details on the grant recipient including:
 - i) name and address of the grantee
 - ii) number of the grant agreement under which the equipment was purchased
 - iii) name and telephone number or e-mail address of the person completing the report
 - iv) time period covered by the Equipment Use Report
 - B) Details on the piece of equipment including:
 - i) equipment type, model number and serial number
 - ii) storage location address

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- iii) acre or odometer meter reading at the beginning and ending of the reporting period
 - iv) contact person name and telephone number
 - v) rental rate charged and total fees collected for the use of the equipment
 - vi) description of any equipment maintenance and total expenditures for maintenance, supported by paid invoices
- C) Detailed information on the use of the equipment, including:
- i) date equipment was used
 - ii) location of equipment use, including county, township, range and section
 - iii) landowner name and full address (note if absentee owner)
 - iv) description of how equipment was used, including:
 - management practice completed (planting, disking, mowing, herbicide application, prescribed burn)
 - for planting practices, the number of acres planted in cool season grasses, warm season grasses, forbs, legumes, shrubs or trees, or other appropriate description, including whether the acres were new or replanted acres materials planted, if applicable, including the quantity and species planted and details of seed mix contents
 - acres established, enhanced, or otherwise affected and how affected (note when multiple practices are on the same acres)

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- 7) The Equipment Use Report shall be submitted by December 31 during each of the first 5 years following the project award. The Equipment Use Report shall suffice as the Annual Progress Report required in subsection (a)(4)(B) if the equipment purchase was the only aspect of the project.
 - 8) Equipment purchased shall become the property and the responsibility of the grantee unless specified otherwise in the agreement.
 - 9) Whenever it has been determined by the grantee and the Department that equipment acquired ~~through the~~with Special Wildlife Funds ~~Grant Program assistance~~ is no longer needed for the project purpose, or that the grantee has other good cause, the equipment, with the approval of the Department, may be disposed of in accordance with one of the following methods:
 - A) Equipment may be transferred at no charge at any time with the approval of the Department to another governmental agency or not-for-profit organization to use in accordance with the original project purpose.
 - B) Equipment held more than 5 years may be retained, sold or otherwise disposed of with no further obligation to the Department.
 - C) When equipment is held less than 5 years and not transferred in accordance with subsection (b)(8)(A), the grantee shall forfeit its interest in the equipment and shall deliver the equipment to the Department.
- c) Habitat ~~Establishment, Maintenance or Restoration~~Development
- 1) On habitat ~~establishment, maintenance or restoration~~development projects ~~in which~~where other governmental or private funding programs are involved, the grantee is required to provide the following detailed information:
 - A) cooperator names and addresses and locations of the habitat affected (Township, Range, Section and County);
 - B) number of acres enhanced by the grant;

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- C) type of eligible conservation practice completed;
 - D) the funding amount of other cost sharing provided and the name of the cost share provider;
 - E) a copy of any farm program contract or other pertinent document identifying the amount of cost-share being provided; and
 - F) length of time committed to maintain the developed habitat area.
- 2) The grantee cannot charge fees for service or require membership to participate in the benefits of a project funded through Special Wildlife Fund grants except as specifically authorized by this Part.
 - 3) Habitat establishment, maintenance or restoration~~development~~ projects are to identify the general plant species to be planted, such as cool season grasses, warm season grasses, forbs, legumes, shrubs or trees, or other appropriate description.
- d) Inspection and Auditing of Projects
 - 1) The Department shall be authorized to enter and cross properties affected by the Special Wildlife Funds grant program to inspect progress and monitor grantee compliance, in accordance with the authorities granted it through the Civil Administrative Code of Illinois [20 ILCS 805/805-530].
 - 2) The Department shall develop a standardized inspection report for use by Department personnel when inspecting any project site. The inspection report shall become part of the public record.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Dam Safety Requirements
- 2) Code Citation: 17 Ill. Adm. Code 3703
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3703.10	New Section
3703.20	New Section
3703.30	New Section
3703.40	New Section
3703.50	New Section
3703.60	New Section
3703.70	New Section
3703.80	New Section
3703.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 23b of the Rivers, Lakes and Streams Act [615 ILCS 5/23b]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed to implement the provisions of PA 95-20, effective August 2, 2007, which amended Section 5 of the Rivers, Lakes, and Streams Act, by adding a new Section 23b pertaining to dams, signs and buoys [615 ILCS 5/23b]. This Part establishes specifications for signs and devices that provide warnings of the presence of dams for persons using the public waters of the State.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Evaluation of Public Safety at Run-of-River Dams, an Illinois Statewide Program. Submitted to Capital Development Board of Illinois, July 20, 2007, by CTE/AECOM.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The Department will conduct a Public Hearing to discuss these proposed rules:

Date: Thursday, September 25, 2008
Time: 1:00 p.m.
Location: Bartlett Park District Theatre
James "Pate" Philip State Park
2054 W. Stearns
Bartlett IL 60103

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Entities which own a dam or abutments, and businesses or landowners within the restricted zones. Without a variance, there will be no access to the water 300 feet above or 50 feet below the dam.
- B) Reporting, bookkeeping or other procedures required for compliance: Acquisition, erection and maintenance of signs and buoys. If a variance or a dam removal are requested, will require a registered engineer to prepare the documentation.
- C) Types of professional skills necessary for compliance: None, unless a variance or dam removal is requested, then professional engineering skills are required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCESPART 3703
DAM SAFETY REQUIREMENTS

Section

3703.10	Purpose
3703.20	Definitions
3703.30	General Regulations
3703.40	Implementation
3703.50	Jurisdiction
3703.60	Provisions for Additions to and Deletions from the List of Run-of-River Dams
3703.70	Variances
3703.80	Maintenance of Records
3703.APPENDIX A	List of Run-of-River Dams on Public Waters

AUTHORITY: Implementing and authorized by Section 23b of the Rivers, Lakes and Streams Act [615 ILCS 5/23b].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 3703.10 Purpose

The purpose of this Part is to protect the public's safety and welfare in the State's public bodies of water near run-of-river dams. This Part applies to the entire State geographically but is limited to only those rivers, streams and waterways that are considered to be public waters.

Section 3703.20 Definitions

"Exclusion Zone" means a segment of the river, beginning 50 feet downstream of a dam and proceeding to a point 300 feet upstream of the dam, that no one is allowed to enter for any purpose, except those purposes exempted by this Part. This zone includes the spillway, gates, piers and other appurtenant dam works that are not designed for the express purpose of general pedestrian access.

"Run-of-River Dam" means a manmade structure that spans the entire width of a river channel and generally has little or no storage capability. The amount of

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water flowing through the dam is generally the same amount flowing into the impoundment from the river upstream.

"Department" means the Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702.

"Owner" means the persons or entities who own part or all of a run-of-river dam.

"Adjacent Property Owner" means the person or entity who owns property on which any portion of the dam resides or abuts, as well as the persons or entities who own property within 300 feet upstream or 50 feet downstream of the dam.

"Public Bodies of Water" or "Public Waters" means the public waters of the State listed in Appendix A of 17 Ill. Adm. Code 3704.

Section 3703.30 General Regulations

All areas designated as exclusion zones shall be posted in accordance with the Department's Public Safety at Dams, Signage and Warning Device Manual (dated 1/23/08), available upon request from the Department and provided on the Department's website at <http://dnr.state.il.us/owr/publications.htm>. To occupy or enter an exclusion zone, unless otherwise provided for in this Part, is a Class A Misdemeanor (see 615 ILCS 5/23b).

Section 3703.40 Implementation

- a) The Department will, upon request, provide a map that identifies the boundaries of the exclusion zone. The dam Owner will be responsible for the acquisition of abutment signs at the dam and the establishment and maintenance of a buoy line 300 feet upstream of the dam from May 15 to September 15 of each year. Owners and adjacent property owners shall be responsible for acquisition, installation, maintenance and replacement of the "Abutment", "Pedestrian", "Exclusion Zone" and "Restricted Area" signs as set out in the Department's Public Safety at Dams, Signage and Warning Device Manual. Initial installation of all signs and warning devices shall be completed no later than 90 days after adoption of this Part.
- b) The Department, subject to its ability to have signs manufactured, will make certain signs available to owners and adjacent property owners for their purchase.

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The signs that may be available for purchase, at the cost incurred by the Department, are the following:

- 1) "Abutment" signs;
 - 2) "Exclusion Zone" signs; and
 - 3) "Pedestrian" and "Restricted Area" signs.
- c) Inability of the Department to manufacture signs does not relieve the owners and adjacent property owners from their responsibility to acquire, install, maintain and replace any sign required by this Part.

Section 3703.50 Jurisdiction

- a) Any run-of-river dam, not owned or operated by the Federal Government, in any public body of water is subject to this Part. The following activities are exempt from this Part:
- 1) removal of trash or other debris by owner, adjacent property owners or authorized agents;
 - 2) routine operation, maintenance, inspection and repair of structures by owner or agents authorized by owner;
 - 3) placement, removal and maintenance of marking buoys and other similar navigation devices placed by owner or agents authorized by owner; and
 - 4) activities of fire, police or other public agencies related to rescue attempts or training for rescue attempts.
- b) Any run-of-river dam that is subject to federal regulations regarding safety standards is exempt from the requirements for signs and warning devices but is still subject to the exclusion zone requirements.

Section 3703.60 Provisions for Additions to and Deletions from the List of Run-of-River Dams

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- a) The run-of-river dams on public waters of the State are listed in Appendix A. When the Department obtains information sufficient to determine that a structure meets the requirement of a dam under this Part, that dam will be added to the list. Any person may petition for an order to add a structure to the list. The petition shall contain the following information:
- 1) name of body of water;
 - 2) name of dam;
 - 3) length and height of dam;
 - 4) location: section, township, range, county;
 - 5) statement of its hazards to the general public;
 - 6) name of owner of structure; and
 - 7) maps, documents or other data supporting the petition.
- b) The owner of a dam may petition for an order to remove a dam from the list. The petition shall contain the following information:
- 1) name of body of water;
 - 2) name of dam;
 - 3) length and height of dam;
 - 4) location: section, township, range, county;
 - 5) statement of why the dam does not pose a hazard to the general public, with accompanying documentation, sealed, signed and dated by a Registered Professional Engineer, stating that the analysis of the hazards has been prepared under his or her personal supervision;
 - 6) name of owner of structure; and
 - 7) maps, documents or other data supporting the petition.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Section 3703.70 Variances

Any affected person may request a variance from this Part. The request for variance shall be in the form of a letter to the Department with accompanying documentation, sealed, signed and dated by a Registered Professional Engineer, stating that the variance documents have been prepared under his or her personal supervision and are in conformance with this Part. All costs of implementing, operating and maintaining any variances will be the responsibility of the requestor. Requests for variances not meeting the purpose of this Part will be denied. If a request for variance is denied, the Department will submit a letter, based on the administrative record, to the requestor explaining the reasons for denial. The request for variance may be resubmitted for consideration if it can be modified to meet the Department's objections as specified in the letter of denial. The approval or denial of requests for a variance under this Part shall be considered a final administrative decision and is subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

Section 3703.80 Maintenance of Records

The Department will maintain a map showing the exclusion zone boundaries for every dam covered by this Part. The Department will also maintain the Public Safety at Dams Signage and Warning Device Manual.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Section 3703.APPENDIX A List of Run-of-River Dams on Public Waters

Dam Name	County	Stream	Meridian	Township	Range	Section
Algonquin Dam	McHenry	Fox River	3	43N	8E	34
Aurora – East Dam	Kane	Fox River	3	38N	8E	22
Aurora – West Dam	Kane	Fox River	3	38N	8E	22
Bernadotte	Fulton	Spoon River	4	5N	2E	19
Carpentersville Dam	Kane	Fox River	3	42N	8E	15
Dayton Dam	LaSalle	Fox River	3	34N	4E	29
Dixon Dam	Lee	Rock River	4	22N	9E	32
Elgin – Kimble Street Dam	Kane	Fox River	3	41N	8E	14
Fairbanks Road Dam	Cook	Des Plaines River	3	39N	12E	36
Fordham Dam	Winnebago	Rock River	3	44N	1E	26
Geneva Dam	Kane	Fox River	3	39N	8E	3
Hoffman Dam	Cook	Des Plaines River	3	39N	12E	35
Kankakee Dam	Kankakee	Kankakee River	2	30N	13W	5
Momence Dam	Kankakee	Kankakee River	3	31N	13E	24
Montgomery Dam	Kane	Fox River	3	38N	8E	33
North Aurora Dam	Kane	Fox River	3	38N	8E	4
North Batavia Dam	Kane	Fox River	3	39N	8E	15
Oregon Dam	Ogle	Rock River	4	23N	10E	3
Petersburg Dam	Menard	Sangamon River	3	18N	7W	13
Rockton Dam	Winnebago	Rock River	3	46N	1E	14
Sears Dam	Rock Island	Rock River	4	17N	2W	14
Sinnissippi Dam	Whiteside	Rock River	4	21N	7E	22
South Elgin Dam	Kane	Fox River	3	41N	8E	35
St. Charles Dam	Kane	Fox River	3	40N	8E	27
Steel Dam	Rock Island	Rock River	4	17N	1W	18
Sterling Lower Dam	Whiteside	Rock River	4	21N	7E	28
Stratton Lock and Dam	McHenry	Fox River	3	44N	8E	12

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Vermilion River Dam	Vermilion	Vermilion River	2	19N	11W	8
Wilmington Dam	Will	Kankakee River	3	33N	9E	35
Wilmington Mill Race	Kankakee	Kankakee River	3	33N	9E	25
Yorkville Dam	Kendall	Fox River	3	37N	7E	33

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Loan Repayment Assistance for Dentists
- 2) Code Citation: 77 Ill. Adm. Code 580
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
580.100	New
580.110	New
580.200	New
580.210	New
580.220	New
580.230	New
580.240	New
- 4) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]
- 5) A Complete Description of the Subjects and Issues Involved: Part 580 regulates the Loan Repayment Assistance for Dentists Act. The purpose of this Act is to establish a program in the Department of Public Health to increase the total number of dentists and dental specialists practicing in designated shortage areas in this State by providing educational loan repayment assistance grants to dentists and dental specialists who practice in designated shortage areas in this State and who accept low income or Medicaid patients. The rules contain the application process, criteria for determining grant recipients and penalties for noncompliance.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Rules governing the designation of Health Professional Shortage Areas HPSA are important to the administration of this Act. Section 330(b)(3) of the Public Health Service Act (as amended by the Health Centers Consolidation Act of 1996, Public Law 104-299), 42 USC 254b, and for designation of Health Professional Shortage Areas (HPSAs) pursuant to section 332 of the Act (as amended by the Health Care Safety Net Amendments of 2002, Pub. L. 107-251), 42 USC 254e. Currently, regulations at 42 CFR 5 govern the procedures and criteria for designation of HPSAs.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Dental practices
- B) Reporting, bookkeeping or other procedures required for compliance: Recipients must document that grant monies are used to pay educational loans incurred during their dental education.
- C) Types of professional skills necessary for compliance: Licensed Dentist or Dental Specialist
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 580
LOAN REPAYMENT ASSISTANCE FOR DENTISTS

SUBPART A: GENERAL PROVISIONS

Section	
580.100	Definitions
580.110	Incorporated and Referenced Materials

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS

Section	
580.200	Application
580.210	Eligibility
580.220	Grant Awards
580.230	Grant Terms and Obligations
580.240	Penalty for Failure to Fulfill Obligation

AUTHORITY: Implementing and authorized by the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 580.100 Definitions

"Act" means the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

"Applicant" means a person who submits an application to the Department to receive a dental loan assistance grant.

"Dental Payments" means compensation provided to dentists and dental specialists for services rendered under Article V of the Illinois Public Aid Code

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[305 ILCS 5/Art. V], administered by the Illinois Department of Healthcare and Family Services (HFS). (Section 10 of the Act)

"Dental Specialist" means a person who has received a license as a dentist in this State and who is trained and qualified to practice in one or more of the following specialties of dentistry: endodontics, oral and maxillofacial surgery, orthodontics, pedodontics, periodontics, and prosthodontics. (Section 10 of the Act)

"Dentist" means a person who has received a general license pursuant to Section 11(a) of the Illinois Dental Practice Act [225 ILCS 25/11(a)], who may perform any intraoral and extraoral procedure required in the practice of dentistry, and to whom are reserved the responsibilities specified in Section 17 of the Illinois Dental Practice Act. (Section 10 of the Act)

"Department" means the Department of Public Health. (Section 10 of the Act)

"Designated Shortage Area" means a dental Health Professional Shortage Area (HPSA) as defined by the United States Department of Health and Human Services (Designation of Health Professional Shortage Areas (42 CFR 5, 51c) and the Public Health Service Act (42 USC 216, 254c)) or as otherwise designated by the Department of Public Health. (Section 10 of the Act)

"Educational Loans" means higher education student loans that a person has incurred in attending a registered professional dental education program in this State. (Section 10 of the Act)

"Full-Time Practice" means a dental practice with a 40-hour work week where at least 32 hours of the 40 hours per week are spent providing clinical services. These services shall be conducted during normally scheduled clinic hours in the ambulatory care setting offices specified in the contract. The remaining hours shall be spent providing inpatient care and/or in practice-related administrative activities. The 40 hours per week may be compressed into no fewer than four days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent in "on-call" status will not count toward the 40-hour week. Hours worked over the required 40 hours per week will not be applied to any other work week.

"Grantee" refers to a person who is the recipient of a grant for educational loan repayment assistance under the Act and this Part.

DEPARTMENT OF PUBLIC HEALTH

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"HPSA Score" refers to the HSPA shortage severity score calculated by the United States Department of Health and Human Services, Bureau of Health Professionals when an HPSA is federally designated. This severity score provides a relative number of the amount of dental shortage in a geographic area.

"Low Income Person" refers to a person whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information.

"Low Income Patients" refers to the patients in the dental practice whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information

"Medical Assistance" means services for medical and dental assistance provided under Article V of the Illinois Public Aid Code.

"Medical Assistance Reimbursement Documentation" refers to the documentation of medical assistance reimbursement dollars that dentists receive from the Illinois Department of Healthcare and Family Services for dental services provided to medical assistance recipients. The Department of Healthcare and Family Services periodically provides this data to the Department.

"Program" means the educational loan repayment assistance program for dentists and dental specialists established by the Department under the Act. (Section 10 of the Act)

"Registered Professional Dental Education Program" means a dental school located in Illinois and accredited by the American Dental Association Commission on Dental Accreditation (CODA).

"Rural" means any geographic area not located in a U.S. Census Bureau Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service Area" refers to the geographic area of the HPSA.

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NOTICE OF PROPOSED RULES

"Service Term" refers to the length of time that the dentist will receive loan repayment funds from the Department while serving a dental HPSA.

"Urban" means any geographic area that does not meet the rural geographic area definition in this Part.

Section 580.110 Incorporated and Referenced Materials

- a) The following Illinois statutes are referenced in this Part:
 - 1) Loan Repayment Assistance for Dentists Act [110 ILCS 948]
 - 2) Illinois Public Aid Code [305 ILCS 5]
 - 3) Illinois Dental Practice Act [225 ILCS 25]
- b) The following federal statutes are referenced in this Part:

Public Health Service Act [42 USC 216, 254b and 254e]
- c) The following federal regulations are incorporated in this Part:

Designation of Health Professional Shortage Areas (42 CFR 5, 51c) (October 1, 2007)
- d) Incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any later amendments or editions.

**SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS****Section 580.200 Application**

- a) *The Department shall, each year, consider 4 applications for assistance under the program.* (Section 20 of the Act)
- b) Applicants shall complete an application on forms available from the Department. The applicant shall indicate the location of the dental practice in a designated shortage area where service will be performed.

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- c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's dental degree in Illinois. The documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of the lending institution or agency, loan amount, loan period and interest rate.

Section 580.210 Eligibility

To be eligible for assistance under the program, an applicant must meet all of the following qualifications: (Section 25 of the Act)

- a) *He or she must be a citizen or permanent resident of the United States.*
- b) *He or she must be a resident of this State.*
- c) *He or she must be practicing full time in this State as a dentist or dental specialist.*
- d) *He or she must currently be repaying educational loans.*
- e) *He or she must accept dental payments as defined in the Act.*
- f) *He or she must continue full-time practice in this State in a designated shortage area for 2 years. (Section 25 of the Act)*

Section 580.220 Grant Awards

- a) *For each year that a qualified applicant who is selected as a recipient practices full time in this State in a designated shortage area as a dentist or dental specialist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program must not exceed \$25,000 per year for a 4-year period. The Department shall require recipients to use the grants to pay off their educational loans. (Section 30 of the Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- b) Payments must be used for the repayment of educational loans, including principal, interest and related expenses of government and commercial loans, received by the individual and used for tuition expenses while attending a registered professional dental education program in this State.
- c) When qualified applicants are available in both the dentists and dental specialists groups, the Department will award at least one grant to an individual in each group. Applicants will be selected with the following scoring system:
 - 1) All eligible applications will be divided into two groups:
 - A) Dentists
 - B) Dental Specialists
 - 2) Applicants in each group will be ranked by HPSA score from highest need to lowest need with highest need being awarded first.
 - 3) When qualified applicants are available, 50 percent of awards in each group will be made to urban dentists or dental specialists and 50 percent to rural dentists or dental specialists. When there are fewer than four eligible applications, the highest HPSA score not awarded from all groups will be the award recipient.
 - 4) When applicant's scores in subsections (c)(2) and (3) in each group are equal, priority for funding will be awarded to the applicant who serves the greatest number of low income patients.
- d) The Department will accept applications initially for funding between July 1 and September 30 of each year. If enough eligible applications are received, all awards will be made. However, if funds remain available, subsequent applications will be evaluated individually as received.

Section 580.230 Grant Terms and Obligations

- a) Each dentist or dental specialist selected for educational loan repayment shall enter into a written contract with the Department. The contract will describe the terms of repayment and any additional provisions that ensure compliance with the laws of the State of Illinois and enforcement of the contract.

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- b) Grantees shall complete two years of service in the underserved area designated in their application. Grantees who wish to move their practice from the location described in the recipient's original application and retain status as a recipient shall receive approval from the Department prior to relocating and shall relocate to an area that qualifies for the same or a higher HPSA score.
- c) The grantee shall provide care to a percentage of low income patients in his or her practice at least equal to the percentage of low income persons in the service area.
- d) Mandatory reporting requirements every six months include:
 - 1) The grantee shall provide documentation of the percentage of low income patients served in his or her practice. Medical assistance reimbursement documentation and practice documentation will be accepted for this purpose.
 - 2) The grantee shall provide documentation that the amount of money paid for educational loan debt is greater than or equal to the amount of money paid by the Department under this program. Cancelled checks or documentation from the lending institution will be accepted for this purpose.
- e) Two years of service in an underserved area is required for each year of funding under this program. An application for funding shall be submitted each year, for a maximum of four grant awards.

Section 580.240 Penalty for Failure to Fulfill Obligation

- a) Upon breach of contract, *loan repayment recipients shall repay the Department a sum equal to the amount received under the program, plus an annual percentage rate (APR) of 7% interest.* (Section 35 of the Act)
- b) The grantee shall repay all funds provided by the Department under this Part within a period of time equal to the grantee's service term.
- c) A breach of contract shall include, but not be limited to, the following situations:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Failure to practice full-time *in a designated shortage area* at the location specified in the grant agreement (Section 35 of the Act);
 - 2) Relocation to an area that has a lower priority ranking as a designated shortage area;
 - 3) Material misstatement in reporting information to the Department, for example, misstating the percentage of low income patients served;
 - 4) Making any material misrepresentation to the Department for the purpose of obtaining a grant;
 - 5) Failure to practice *in a designated shortage area for two years* (Section 35 of the Act);
 - 6) Failure to fulfill other grant requirements.
- d) If the grantee does not repay all funds owed to the Department within the required time period, the Department shall refer the matter to the Attorney General for collection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
665.100	Repeal
665.105	Amendment
665.115	Amendment
665.120	Amendment
665.130	Amendment
665.150	Amendment
665.160	Amendment
665.510	Amendment
665.610	Amendment
665.620	Repeal
665.630	Amendment
665.640	Repeal
665.650	New
665.APPENDIX A	Amendment
665.APPENDIX C	New
665.APPENDIX D	New
665.APPENDIX E	New
665.APPENDIX F	New
- 4) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will implement Public Act 95-671, which amended the School Code to mandate eye examinations for all children enrolling in kindergarten in a public, private, or parochial school and any student enrolling for the first time in a public, private, or parochial school, on or after the January 1, 2008. The amendments include definitions; referenced materials; requirements for report forms and proof of examination; requirements for the examinations; and procedures for waivers from the eye examination requirement. Eye examinations are required to be performed by optometrists or by physicians who provide eye examinations. An Eye Examination Report form and an Eye Examination Waiver form have been appended. The rulemaking also includes forms for dental examinations and dental examination waivers.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
665.140	Amendment	32 Ill. Reg. 8545; June 13, 2008

- 11) Statement of Statewide Policy Objective: This rulemaking will affect approximately 900 Illinois public school districts and may require additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: DPH.RULES@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Public, private and parochial schools; local health departments; optometrists, physicians
- B) Reporting, bookkeeping or other procedures required for compliance:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Annual reports to Illinois State Board of Education Eye Examination Report forms Eye Examination Waiver forms

- C) Types of professional skills necessary for compliance: physicians; optometrists
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 665
CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

Section

- | 665.100 Statutory Authority ([Repealed](#))
- 665.105 Definitions
- 665.110 General Considerations (Repealed)
- 665.115 Referenced Materials

SUBPART B: HEALTH EXAMINATION

Section

- | 665.120 Health Examination [Requirements](#)~~Requirement~~
- 665.130 Performance of Health Examination and Verification of Certificate of Child Health Examination
- 665.140 Timetable for Examinations
- 665.150 Report Forms
- 665.160 Proof of Examination
- 665.210 Proof of Immunizations
- 665.220 Local School Authority (Repealed)
- 665.230 School Entrance
- 665.240 Basic Immunization
- 665.250 Proof of Immunity
- 665.260 Booster Immunizations
- 665.270 Compliance with the School Code
- 665.280 Physician Statement of Immunity
- 665.290 List of Non-immunized Students

SUBPART C: VISION AND HEARING SCREENING

Section

- 665.310 Vision and Hearing Screening

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: DENTAL EXAMINATION

Section

665.410	Dental Examination Requirement
665.420	Dental Examination Timetable
665.430	Dental Examination
665.440	Guidelines (Repealed)
665.450	Waiver of Dental Examination Requirement

SUBPART E: EXCEPTIONS

Section

665.510	Objection of Parent or Legal Guardian
665.520	Medical Objection

SUBPART F: [EYEVISION](#) EXAMINATION

Section

665.610	EyeVision Examination Requirement Recommendation
665.620	Vision Examination (Repealed)
665.630	EyeVision Examination Report
665.640	Indigent Students (Repealed)
665.650	Waiver of Eye Examination Requirement

SUBPART G: DIABETES SCREENING

Section

665.700	Diabetes Screening Requirement
665.710	Diabetes Screening
665.720	Testing Recommendations

665.APPENDIX A [Illinois Department of Public Health EyeVision](#) Examination Report

665.APPENDIX B Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)

[665.APPENDIX C](#) [Illinois Department of Public Health Eye Examination Waiver Form](#)

[665.APPENDIX D](#) [Illinois Department of Public Health Dental Examination Form](#)

[665.APPENDIX E](#) [Illinois Department of Public Health Dental Examination Waiver Form](#)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS

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5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. 11950, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11966, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 1, 1998; amended at 26 Ill. Reg. 5921, effective July 1, 2002; amended at 26 Ill. Reg. 10689, effective July 1, 2002; amended at 29 Ill. Reg. 18127, effective October 24, 2005; emergency amendment at 32 Ill. Reg. 8778, effective May 30, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 9055, effective June 6, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 665.100 Statutory Authority (Repealed)

~~The Illinois Department of Public Health (Department) is authorized under Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] to promulgate rules specifying the examinations and procedures that constitute a health examination and a dental examination and may recommend by rule that certain additional examinations be performed. (Section 27-8.1(2) of the School Code) The Department is also authorized to promulgate rules requiring immunizations against preventable communicable diseases. (Section 27-8.1(3) of the School Code)~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 665.105 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part:

Advanced practice nurse – *a person who is licensed as an advanced practice nurse under the NurseNursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 15-5 of the NurseNursing and Advanced Practice Nursing Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Body mass index (BMI) – the result of a calculation of weight and height measurement used to determine whether an individual's weight is appropriate for his/her height. Body mass index is calculated by dividing weight in pounds by height in inches squared times 703 (wt (lbs)/ht (in²) X 703).

Certified vision screener – a person who has been trained by the Illinois Department of Public Health and who holds a current and valid certification from the Department as a vision screener in accordance with Illinois Child Vision and Hearing Test Act [410 ILCS 205].

Dental examination – an examination, performed by a dentist, that includes, at a minimum, oral health status and treatment needs.

Dentist – a person who is licensed to practice dentistry under the Illinois Dental Practice Act [225 ILCS 25].

Department or IDPH – the Illinois Department of Public Health.

Eye examination – an examination, performed by an optometrist or a physician who provides eye examinations, that includes, at a minimum, history, visual acuity, subjective refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that, in the professional judgment of the physician or optometrist, are necessary.

Glaucoma evaluation – an examination that includes the measurement by instrumentation of the intraocular pressure of the eye, and other tests focused on the optic nerve, as needed.

Health care provider – a physician, advanced practice nurse, or physician assistant who is authorized to conduct health examinations under Section 27-8.1(2) of the School Code.

Local school authority – that person having ultimate control and responsibility for any public, private/independent or parochial elementary or secondary school, or any attendance center or nursery school operated by an elementary or secondary school or institution of higher learning.

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Optometrist – a person who is licensed to practice optometry under the Illinois Optometric Practice Act of 1987 [225 ILCS 80].

Physician – a person who is licensed to practice medicine in all of its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Physician assistant – a person who is licensed as a physician assistant under the Physician Assistant Practice Act of 1987 [225 ILCS 95].

Registered nurse – a person who is licensed as a registered professional nurse under the ~~Nurse~~[Nursing and Advanced Practice Nursing](#) Act [225 ILCS 65].

[Subjective refraction – determining the best visual status of the patient using ophthalmic lenses with directed patient response.](#)

["Vision screening" – for purposes of this Part, refers to mandated vision screening by Department-certified vision screeners under the Child Vision and Hearing Test Act and the Department's rules titled Vision Screening \(77 Ill. Adm. Code 685\). Vision screening services include testing, evaluation and follow-up, which may include a recommendation for an eye examination.](#)

["Visual acuity testing" – a measurement of the resolving power of the human eye using standardized testing conditions, usually by distinguishing standardized targets such as letters or children's symbols. It is done far at 20 feet and near at 16 inches without correction, with the present refractive correction, and with best correction by examination, and includes monocular and binocular findings.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.115 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes:
 - 1) Child Vision and Hearing Test Act [410 ILCS 205]
 - 2) Medical Practice Act of 1987 [225 ILCS 60]

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- 3) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
 - 4) School ~~Breakfast and~~Free Lunch Program Act [105 ILCS ~~125205~~]
 - 5) Illinois Dental Practice Act [225 ILCS 25]
 - 6) ~~Nurse~~Nursing and Advanced Practice ~~Nursing~~ Act [225 ILCS 65]
 - 7) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - 8) Lead Poisoning Prevention Act [410 ILCS 45]
- b) Illinois Administrative Rules
- 1) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - 2) Vision Screening (77 Ill. Adm. Code 685)
 - 3) Hearing Screening (77 Ill. Adm. Code 675)
 - 4) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - 5) Immunization Code (77 Ill. Adm. Code 695)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: HEALTH EXAMINATION

Section 665.120 Health Examination ~~Requirements~~Requirement

- a) Health ~~examinations~~Examination for all public, private/independent and parochial school students in Illinois shall require a physical examination, in accordance with the timetable in Section 665.140, and, protection from communicable disease, ~~and vision and hearing screening according to the following rules of the Department. Lead screening is required as part of the health examination, as specified in Section 665.140(f).~~
- b) Eye examinations are required, as specified in Section 665.610.

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- c) Dental examinations are required, as specified in Section 665.410. ~~Lead screening is required as part of the health examination, as specified in Section 665.140(f).~~
- d) Vision and hearing screenings are required as specified in 77 Ill. Adm. Code 675.
- e) 77 Ill. Adm. Code 675 (Hearing Screening) and 77 Ill. Adm. Code 685 (Vision Screening).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.130 Performance of Health Examination and Verification of Certificate of Child Health Examination

Health examinations, other than dental examinations, eye examinations, and hearing and vision screening, shall be performed by, and the Certificate of Child Health Examination shall be signed by, a *physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes him/her to perform health examinations, or a physician assistant to whom has been delegated the performance of health examinations by his/her supervising physician.* (Section 27-8.1(2) of the School Code) A physician is required to review and sign any portion of the Certificate of Child Health Examination completed by a registered nurse who is not an advanced practice nurse.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.150 Report Forms

Health examinations shall be reported on the ~~uniform~~ forms that the Department of Public Health and the Illinois State Board of Education prescribe for ~~statewide~~Statewide use. The required form is the Certificate of Child Health Examination provided by the Department. For eye examinations, the required form is the Illinois Department of Public Health Eye Examination Report. For dental examinations, the required form is the Illinois Department of Public Health Dental Examination Report.

- a) For transfer students from out of the State or out of the country, or from a federal Head Start program, a health form that is comparable to the Illinois requirements may be accepted only at the time of first entry into an Illinois school. (A statement by a physician or other health care provider indicating only that an examination was conducted is not acceptable.)

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- b) The physical examination shall include an evaluation of height, weight, BMI, blood pressure, skin, eyes, ears, nose, throat, mouth/dental; cardiovascular (including blood pressure), respiratory, gastrointestinal, genito-urinary, neurological, and musculoskeletal evaluations; spinal examination; evaluation of nutritional status; lead screening; and other evaluations deemed necessary by the health care provider.
- c) The strongly recommended evaluations include hemoglobin or hematocrit, urinalysis, and testing for sickle cell disease. It is also recommended that the examiner list any medications that the child takes routinely, diet restrictions/needs, special equipment needed, other needs, or known allergies.
- d) The health care provider shall summarize on the report form any condition that he/she suspects indicates a need for special services.
- e) The medical history section of the form shall be completed and signed by the parent or legal guardian of the student. The medical history shall be inclusive, as indicated on the Certificate of Child Health Examination form.
- f) The individual verifying the administration of required immunizations shall record as indicated on the Certificate of Child Health Examination form that the immunizations were administered as required by this Part and any other Department rules requiring immunizations.
- g) Vision and hearing screening are required under the Child Vision and Hearing Test Act [410 ILCS 205] and the Department's rules governing hearing screening (77 Ill. Adm. Code 675) and vision screening (77 Ill. Adm. Code 685). Completion of the vision and hearing screening data section of the Certificate of Child Health Examination is optional.
- h) If the vision and hearing screening data section is completed, it shall be completed with information provided by the vision and hearing screening personnel certified by the Department ~~or from qualified medical or other professional specialists~~.
- i) If the student is required to have a sports physical in the year that coincides with the child health examination requirement, the Certificate of Child Health Examination may be accepted as proof of examination for interscholastic sports if the statement regarding participation in interscholastic sports is completed by the

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health care provider.

- j) The health care provider shall indicate on the form the results of a tuberculosis skin test screening, if conducted.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.160 Proof of Examination

- a) Every student who is required by Section 27-2.8(1) of the School Code and Section 665.140 of this Part to have a health examination shall present proof to the local school authority of having had the health examination prior to the date of entrance to school.
- b) For the purpose of this Part, "proof of [health](#) examination" refers to completion of the Certificate of Child Health Examination in accordance with Section 665.150 [of this Part](#).
- c) [For the purpose of this Part, "proof of eye examination" refers to completion of the Illinois Department of Public Health Eye Examination Report in accordance with Section 665.150.](#)
- d) [For the purpose of this Part, "proof of dental examination" refers to completion of the Illinois Department of Public Health Eye Examination Report in accordance with Section 665.420.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: EXCEPTIONS

Section 665.510 Objection of Parent or Legal Guardian

[Parents or legal guardians who object to health, dental or eye examinations or any part thereof, or to immunizations, or to vision and hearing screening tests, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. \(Section 27-8.1\(8\) of the School Code\)](#)~~Parent or legal guardian of a student may object to health examinations, immunizations, vision and hearing screening tests, and dental health examinations for their~~

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~~children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority.~~ The objection must set forth the specific religious belief ~~that~~^{which} conflicts with the examination, immunization or other medical intervention. The religious objection may be personal and need not be directed by the tenets of an established religious organization. General philosophical or moral reluctance to allow physical examinations, eye examinations, immunizations, vision and hearing screening, ~~or and~~ dental examinations will not provide a sufficient basis for an exception to statutory requirements. The local school authority is responsible for determining whether the written statement constitutes a valid religious objection. The ~~parent or legal guardian must be informed by the~~ local school authority shall inform the parent or legal guardian of measles outbreak control exclusion procedures in accordance with the Department's rules, Control of Communicable Diseases Code (77 Ill. Adm. Code 690) at the time ~~the~~^{such} objection is presented.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART F: EYEVISION EXAMINATION**Section 665.610 EyeVision Examination RequirementRecommendation**

- a) All children enrolling in kindergarten in a public, private, or parochial school and any student enrolling for the first time in a public, private, or parochial school shall have an eye examination. Each of these children shall present proof of having been examined by a physician who performs eye examinations or an optometrist within the previous year, in accordance with Section 27-8.1(1.10) of the School Code and this Part before October 15 of the school year. (Section 27-8.1(1.10) of the School Code)
- b) The eye examination requirement does not apply to children enrolling in preschool.
- c) The required eye examination shall be completed within one year prior to October 15 of the school year in which the child enters kindergarten or the child first enters any public, private, or parochial school. For students attending school programs where grade levels are not assigned, eye examinations shall be completed prior to October 15 of the year of the child's first entry into the Illinois school system.
- d) An eye examination shall at a minimum include history, visual acuity, subjective

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refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that in the professional judgment of the doctor are necessary. (Section 27-8.1(2) of the School Code)

- e) In addition to the requirements of subsection (d), optometrists shall include measurements of binocular acuity and ocular motility, and color vision screening in the required eye examination, as required by the Illinois Optometric Practice Act of 1987 [225 ILCS 80].

~~It is recommended, but not required, that a vision examination, including ophthalmoscopy and subjective refraction, be performed on public, private/independent, and parochial school students by a physician or an optometrist.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.620 Vision Examination (Repealed)

- a) ~~If a vision examination is performed, it shall not be performed in the place of, or rather than performing, vision screening, and shall be conducted within one year:~~
- ~~1) Prior to the date of entering kindergarten or first grade;~~
 - ~~2) Prior to the date of entering the fifth grade; and~~
 - ~~3) Prior to the date of entering the ninth grade;~~
- b) ~~For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the ages of 5, 10 and 15.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 665.630 EyeVision Examination Report

The eye examination shall be recorded on the Department of Public Health Eye Examination Report prescribed by the Department for statewide use (see Appendix A). The report form is available on the Department's website. The completed form shall be presented to the local school authority.~~If performed, the vision examination shall be recorded on the Vision Examination~~

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~~Report prescribed by the Department for statewide use and presented to the local school authority. (See Section 665.640 Appendix A Vision Examination Report.)~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 665.640 Indigent Students (Repealed)

~~School districts opting to require vision examinations as a part of the health examination shall ensure vision examinations are made available for indigent students. Indigent students are those students eligible for the "free breakfast and free lunch program" under the School Free Lunch Program Act (Ill. Rev. Stat. 1991, ch. 122, pars. 712.01 et seq.) [105 ILCS 125].~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 665.650 Waiver of Eye Examination Requirement

Children who show an undue burden or a lack of access to an optometrist or to a physician who provides eye examinations shall receive a waiver from the requirement for an eye examination. (Section 27-8.1(1.10) of the School Code) The school or district shall make a waiver from the eye examination requirement available, and shall provide a Department-prescribed waiver form that shall be used to demonstrate the child's eligibility for a waiver (see Appendix C).

- a) For the purpose of this Section, an undue burden or lack of access to an optometrist or to a physician who performs eye examinations includes, but is not limited to, the following circumstances:
- 1) The child is enrolled in the free and reduced lunch program under the School Breakfast and Lunch Program Act and is ineligible for public assistance (medical assistance/All Kids).
 - 2) The child is enrolled in medical assistance/All Kids, but the parent or guardian is unable to find an optometrist or physician in the community who performs eye examinations, who is able to see the child and who accepts medical assistance/All Kids.
 - 3) The child does not have any type of medical or vision/eye insurance coverage, and there are no low-cost clinics in the community that provide eye examinations as required in Section 665.610 and that will see the child.

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- b) The Eye Examination Waiver Form shall be submitted to the school by October 15 of the school year. If the Eye Examination Waiver Form is not submitted by October 15, the school may hold the child's report card until the Eye Examination Waiver Form is submitted.

(Source: Added at 32 Ill. Reg. _____, effective _____)

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<u>Unaided Visual Acuity:</u>	<u>20 /</u>	<u>20 /</u>	<u>20 /</u>	<u>20 /</u>
<u>Best Corrected Visual Acuity:</u>	<u>20 /</u>	<u>20 /</u>	<u>20 /</u>	<u>20 /</u>

Was refraction performed with cycloplegic agents? Yes No

	<u>Normal</u>	<u>Abnormal</u>	<u>Not Able to Assess</u>	<u>Comments</u>
<u>External Exam (eye and adnexa)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Internal Exam (media, lens, fundus, etc.)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Neurological Integrity (pupils)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Binocular Function (stereopsis)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Accommodation and Vergence</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Color Vision</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>IOP (glaucoma)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Oculomotor Assessment</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Other:</u> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Diagnosis

- Normal Myopia Hyperopia Astigmatism
- Strabismus Amblyopia

Other: _____

Recommendations

- Corrective Lenses: No Yes, glasses should be worn for:
 Constant Wear Near Vision Far Vision
 May Be Removed for Physical Education
- Preferential Seating Recommended: No Yes Comments: _____
- Recommend Re-examination: 3 months 6 months 12 months
 Other _____
- _____
- _____

Print Name: _____
Optometrist or Physician Who Provides Eye Examinations

Address: _____

Phone: _____

<p><u>Consent of Parent or Guardian</u> <u>I agree to release the above information</u> <u>on my child or ward to appropriate school</u> <u>or health authorities.</u></p>
--

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Signature: _____
 Optometrist or Physician Who Provides Eye Examinations

Date: _____

(Parent or Guardian's Signature)

Date: _____

STATE OF ILLINOIS
VISION EXAMINATION REPORT

White - Doctor's Referral
 Yellow - File

Date _____

Name _____ Birth Date _____ Sex _____ Grade _____
(Last) (First) (Initial) (Mo) (Day) (Yr)

Parent or Guardian _____ Phone _____
(Last) (First) (Area Code)

Address _____ County _____
(Number) (Street) (City) (Zip Code)

Testing Location _____ Testing Agency _____ Tester _____

TO BE COMPLETED FOLLOWING SCREENING

TEST GIVEN:

± Instrument Used _____

a. Visual Acuity

b. Plus Sphere

c. Muscle Balance

d. Near and Far Binocular Vision

e. Other _____

REASON FOR REFERRAL:

1. Visual Acuity

2. Plus Sphere

3. Muscle Balance—Phoria

4. Near and Far Binocular Vision—Fusion

SYMPTOMS NOTED:

1. Academic Achievement

2. Observable Signs: _____

TO THE DOCTOR

CHILD WEARING GLASSES OR UNDER CARE



Children wearing glasses or under care are not screened as part of the routine vision screening program. Observations by screening technicians possibly indicate the following:

Frames broken/too small

Lenses scratched/broken

Two years since last examination

Other: _____

TO BE COMPLETED BY EXAMINING DOCTOR

DISTANCE

(1) Uncorrected Visual Acuity		(2) Best Corrected Visual Acuity	
Right	Left	Right	Left

PLEASE CHECK IF APPROPRIATE

Treatment recommended

Medical

Glasses

Contact Lenses

Other: _____

Corrective Lens prescribed

Constant Wear

Near Vision only

Far Vision only

May be removed for physical education

Visual field restriction

Amblyopia exists

Muscle imbalance exists

Close work may be difficult or cause fatigue

Preferential seating needed

Re-examination advised

(3) Oculomotor Assessment: _____

(4) Diagnosis: _____

(5) Comments: _____

IMPORTANT NOTICE

This state agency is requesting disclosure of information that is

Name (Last) (First) (Initial)

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necessary to accomplish the statutory purpose as outlined under Public Act 81-174. Disclosure of this information is voluntary, and there is no penalty for non-compliance. This form has been approved by the Forms Management Center.

- Six months
- Twelve months
- Other _____

Please print or stamp _____

Doctor's Name: _____

Address: _____

City: _____

Date of Examination: _____

Doctor's Signature

<u>CONSENT OF PARENT OR GUARDIAN</u>	
<u>I agree to release the above information on my child or ward to appropriate school or health authorities.</u>	
_____ Parent or Guardian's Signature	
<u>IDPH V-4</u>	<u>4-82</u>

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 665.APPENDIX C Illinois Department of Public Health Eye Examination Waiver Form

State of Illinois
Department of Public Health

EYE EXAMINATION WAIVER FORM

Please print:

<u>Student's Name:</u> Last First Middle			<u>Birth Date:</u> (Month/Day/Year)
<u>Address:</u> Street City ZIP Code			<u>Telephone:</u>
<u>Name of School:</u>		<u>Grade Level:</u>	<u>Gender:</u> <input type="checkbox"/> Male <input type="checkbox"/> Female
<u>Parent or Guardian:</u>		<u>Address (of parent/guardian):</u>	

I am unable to obtain the required vision examination because:

- My child is enrolled in the free and reduced lunch program and is ineligible for public insurance (medical assistance/All Kids).
- My child is enrolled in medical assistance/All Kids, but we are unable to find a medical doctor who performs eye examinations or an optometrist in the community who is able to see the child and accepts medical assistance/All Kids.
- My child does not have any type of medical or vision/eye care insurance coverage, and there are no low-cost vision/eye clinics in our community that will see my child.

Signature _____ Date _____

(Source: Added at 32 Ill. Reg. _____, effective _____)

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Section 665.APPENDIX D Illinois Department of Public Health Dental Examination Form**Illinois Department of Public Health****PROOF OF SCHOOL DENTAL EXAMINATION FORM****To be completed by the parent (please print):**

<u>Student's Name:</u> Last First Middle			<u>Birth Date:</u> (Month/Day/Year) / /	
<u>Address:</u> Street City ZIP Code			<u>Telephone:</u>	
<u>Name of School:</u>			<u>Grade Level:</u>	<u>Gender:</u> <input type="checkbox"/> Male <input type="checkbox"/> Female
<u>Parent or Guardian:</u>			<u>Address (of parent/guardian):</u>	

To be completed by dentist:**Oral Health Status (check all that apply)** Yes No**Dental Sealants Present** Yes No**Caries Experience / Restoration History** – A filling (temporary or permanent) OR a tooth that is missing because it was extracted as a result of caries OR missing permanent 1st molars. **Include both treated and untreated decay.** Yes No**Untreated Caries** – At least ½ mm of tooth structure loss at the enamel surface. Brown to dark-brown coloration of the walls of the lesion. These criteria apply to pit and fissure cavitated lesions as well as those on smooth tooth surfaces. If retained root, assume that the whole tooth was destroyed by caries. Broken or chipped teeth, plus teeth with temporary fillings, are considered sound unless a cavitated lesion is also present. Yes No**Soft Tissue Pathology** Yes No**Malocclusion****Treatment Needs (check all that apply)** **Urgent Treatment** – abscess, nerve exposure, advanced disease state, signs or symptoms that include pain, infection or swelling

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- [**Restorative Care** – amalgams, composites, crowns, etc.](#)
- [**Preventive Care** – sealants, fluoride treatment, prophylaxis](#)
- [**Other** – periodontal, orthodontic](#)
- [Please note](#)

[Signature of Dentist](#) _____ [Date of Exam](#) _____

[Address:](#) _____ [Telephone](#) _____

[Street](#) _____ [City](#) _____ [Zip Code](#) _____

(Source: Added at 32 Ill. Reg. _____, effective _____)

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Section 665.APPENDIX E Illinois Department of Public Health Dental Examination Waiver Form**Illinois Department of Public Health****DENTAL EXAMINATION WAIVER FORM****Please print:**

<u>Student's Name:</u> Last First Middle			<u>Birth Date:</u> (Month/Day/Year) ____/____/____
<u>Address:</u> Street City ZIP Code			<u>Telephone:</u>
<u>Name of School:</u>		<u>Grade Level:</u>	<u>Gender:</u> <input type="checkbox"/> Male <input type="checkbox"/> Female
<u>Parent or Guardian:</u>		<u>Address (of parent/guardian):</u>	

I am unable to obtain the required dental examination because:

- My child is enrolled in the free and reduced lunch program and is not covered by private or public dental insurance (medical assistance/All Kids).
- My child is enrolled in the free and reduced lunch program and is ineligible for public insurance (medical assistance/All Kids).
- My child is enrolled in medical assistance/All Kids, but we are unable to find a dentist or dental clinic in our community that is able to see my child and will accept medical assistance/All Kids.
- My child does not have any type of dental insurance, and there are no low-cost dental clinics in our community that will see my child.

Signature _____ Date _____

(Source: Added at 32 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Incentive Grants for Agricultural Science Teacher Education
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
75.10	New Section
75.20	New Section
75.30	New Section
75.40	New Section
75.50	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: These rules respond to Public Act 94-973, which was enacted in 2007 but funded for the first time for Fiscal Year 2009. The Act added Section 2-3.80a to the School Code, which directs ISBE to establish a “training continuum” for teachers of agricultural education that begins with awareness and recruitment at the secondary level. The new law identifies specifically the entities that are eligible for funds under this program and the categories of activities for which the funds may be used. The rules have been structured based on the understanding that all the eligible applicants are to receive grant awards. The amounts will vary according to the activities proposed by the participating universities and community colleges and the areas of priority selected for funding from year to year.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the applicability of new funding to this statutory purpose was not yet apparent when the July 2008 agenda was compiled.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 75

INCENTIVE GRANTS FOR AGRICULTURAL SCIENCE TEACHER EDUCATION

Section

75.10	Purpose and Applicability
75.20	Eligible Applicants
75.30	Application Procedure
75.40	Program Specifications; Allowable Expenditures
75.50	Criteria for the Review of Proposals; Allocation of Funds

AUTHORITY: Implementing Section 2-3.80a and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80a and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 75.10 Purpose and Applicability

This Part establishes the application procedure for and criteria for allocation of grant funds to eligible institutions of higher education under the agricultural science teacher education program established under Section 2-3.80a of the School Code [105 ILCS 5/2-3.80a].

Section 75.20 Eligible Applicants

Eligible applicants under this Part shall be as specified in Section 2-3.80a of the School Code, provided that public community colleges that *provide an articulated agriculture science teacher education course of study* are only those that offer at least:

- a) the introductory agricultural education course for which transfer credit is accepted by the public universities under the Illinois Articulation Initiative (see the information posted by the Illinois Board of Higher Education at www.itransfer.org); and
- b) a one-semester-hour internship or other, equivalent field experience.

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Section 75.30 Application Procedure

- a) When State funding is expected to be available for the agricultural science teacher education program for a given fiscal year, the State Superintendent of Education shall issue a request for applications from eligible entities. This request shall:
 - 1) indicate the amount or expected amount of the appropriation for the program and the expected range for grant awards;
 - 2) describe the required content and format of applications and identify the activities that will receive priority consideration for funding, if applicable;
 - 3) identify the data that recipients will be required to collect and report regarding the activities conducted with the funds provided and the results of those activities, as well as the timelines for reporting;
 - 4) include such certifications, assurances, and program-specific terms of the grant as the State Superintendent may require; and
 - 5) indicate the deadline for submission of applications, which shall provide applicants with at least 30 days in which to respond.
- b) Each application shall be signed by an authorized representative of the institution, and each shall be accompanied by a letter of support signed by the heads of the agriculture and education departments at the applicant institution.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of the approved proposal shall be incorporated into a grant agreement to be signed by the applicant's authorized representative and the State Superintendent.
- d) Each participating institution's eligibility to receive funding in fiscal years following the initial appropriation for this program, or following the institution's initial receipt of funding, as applicable, shall be contingent upon the submission of:
 - 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the grant agreement;

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- 2) an updated project narrative that discusses the services and activities for which the funding will be used and a rationale for the activities to be undertaken;
- 3) an updated budget summary and payment schedule for the coming fiscal year, including a narrative budget breakdown;
- 4) signed certifications, assurances, and program-specific terms of the grant, as applicable to the renewal period.

Section 75.40 Program Specifications; Allowable Expenditures

Funds provided pursuant to this Part may be expended only for activities and initiatives conducted in accordance with subsection (b) of Section 2-3.80a of the School Code and this Section.

- a) For purposes of this Part, "candidate recruitment and retention initiatives" include:
 - 1) the identification of students in Grades 11 and 12 who may be interested in pursuing agricultural education as a profession; and
 - 2) activities and strategies that are designed to attract these and other students to teaching in agricultural education, including, but not limited to:
 - A) introducing the students to multiple aspects of agricultural work and agricultural education in Illinois;
 - B) providing mentors or other forms of personal support to the students as they determine whether to pursue careers as agricultural education teachers and as they progress through the teacher preparation program; and
 - C) providing scholarships, stipends, or other forms of financial or in-kind support that will make completion of a teacher preparation program in agricultural education more affordable and accessible to students from a broad range of backgrounds.

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- b) Each institution that elects to deliver professional development experiences for new teachers shall first seek approval as a provider of professional development for teachers in this field under the applicable provisions of the rules of the State Board of Education for Certification (see 23 Ill. Adm. Code 25.855, 25.870, and 25.872).
- c) For purposes of this Part:
 - 1) a "master teacher" is a teacher with no fewer than six years of teaching experience, ending no more than ten years prior to submission of an application under this Part, in the field of agricultural education, exclusive of teaching experience on a provisional vocational or temporary provisional vocational certificate; and
 - 2) a "practitioner" is an individual who, as demonstrated by the institution's proposal narrative:
 - A) is currently engaged, or has been engaged within the previous 10 years, in an agricultural occupation requiring knowledge and skills in agricultural science, agricultural mechanization, agricultural business, horticulture, or agricultural resources; or
 - B) holds a provisional vocational certificate endorsed for a skill area related to agricultural education and is currently teaching, or has taught within the previous 10 years, in a position requiring that certificate.
- d) A university shall expend no more than five percent of the grant funds received for professional development for the staff of its agricultural education teacher preparation program.
- e) Activities shall be supported by funding under this Part only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the community college or university. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Part.

Section 75.50 Criteria for the Review of Proposals; Allocation of Funds

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Each applicant may propose to expend grant funds for one or more of the four types of activities discussed in subsection (b) of Section 2-3.80a of the School Code. Subsection (a) of this Section includes review criteria for all four types of activities; however, the individual criteria that are not relevant to the activities included in a particular proposal shall be disregarded in its review. The State Superintendent of Education shall make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative and the amounts necessary to fund high-quality proposals that are most responsive to the area or areas of priority identified in the request for applications.

- a) Quality of the Plan (80 points)
 - 1) Proposed recruitment and retention strategies appear likely to:
 - A) promote increased awareness of agricultural education as a potential career among students from varied backgrounds and communities;
 - B) create enhanced incentives for individual students to enter and persist in teacher preparation programs in agricultural education; and
 - C) help eliminate barriers that may otherwise prevent individuals from completing preparation programs in this field.
 - 2) Proposed expenditures for the services of master teachers and practitioners as support for student teaching will enhance candidates' understanding of agricultural education as a profession and broaden their awareness of the varied facets of agriculture and agriculturally based careers.
 - 3) Plans for delivery of professional development for new teachers provide evidence that the training is designed in response to the expressed needs of individuals who are in their first five years of teaching in the field of agricultural education and the districts or cooperatives where they are employed.
 - 4) Planned expenditures for professional development for a university's agricultural education staff are demonstrably related to the needs of those individuals.

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- b) Cost-Effectiveness (20 points)
The proposal represents a cost-effective use of State resources, as evidenced by the amounts requested for the proposed activities in relation to the numbers of students or teachers to be served and the services to be provided.

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- 1) Heading of the Part: Rules of Practice
- 2) Code Citation: 83 Ill. Adm. Code 200
- 3) Section Number: 200.60 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101]
- 5) Effective Date of Amendment: September 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 16616; December 21, 2007
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Illinois Commerce Commission has adopted an amendment to 83 Ill. Adm. Code 200, "Rules of Practice", to govern practice in proceedings before the Commission. Public Act 95-127, which became effective on

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August 13, 2007, added the following language to Section 2-107 of the Public Utilities Act:

At each regular and special meeting that is open to the public, members of the public shall be afforded time, subject to reasonable constraints, to make comments to or to ask questions of the Commission.

The Commission's Rules of Practice contained language limiting participation at Commission meetings to Commissioners, certain Staff, and Hearing Examiners. The amendment implements the new language in Section 2-107 by referencing 2 Ill. Adm. Code 1700.10. The amendment also updates the Commission's web address and deletes language concerning consideration of items not on the agenda to reflect current case law (*Rice v. Board of Trustees*, 261 Ill. Dec. 278).

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200
RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section	
200.10	Procedure Governed
200.20	Construction of This Part
200.25	Standards for Discretion
200.30	Deviation from This Part
200.40	Definitions
200.50	Office
200.60	Open Meetings
200.70	Submission of Paper Documents
200.80	Computation of Time
200.90	Appearances
200.95	Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section	
200.100	Contents of Pleadings and Documents
200.110	Forms of Pleadings and Documents
200.120	Copies of Pleadings
200.130	Signature and Verification
200.140	Amendments
200.150	Service
200.160	Informal Complaints
200.170	Formal Complaints
200.180	Answers
200.185	Satisfaction of Complaint
200.190	Motions
200.200	Intervention
200.210	Petition for Rulemaking

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200.220 Declaratory Rulings

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section

200.300 Prehearing Conferences
200.310 Other Prehearing Submissions
200.320 Facts Disclosed Privileged
200.330 Recordation and Order
200.335 Application of Discovery Rules Contained in Sections 200.340 through 200.430
200.340 Policy on Discovery
200.345 Discovery by Staff Witnesses
200.350 Reasonable Attempts to Resolve Differences Required
200.360 Depositions and Other Discovery Procedures
200.370 Supervision of Discovery
200.380 Subpoenas
200.390 Motion to Quash Subpoena
200.400 Service and Fees Payable
200.410 Time Limits on Discovery
200.420 Failure to Comply With a Discovery Order or a Subpoena
200.430 Protective Orders

SUBPART D: HEARING PROCEDURE

Section

200.500 Authority of Hearing Examiner
200.505 Recessing Hearing For Conference or Discussion
200.510 Disqualification of Hearing Examiner
200.520 Interlocutory Review of Hearing Examiner's Ruling
200.525 Paper Hearings
200.530 Notice, Time and Place of Hearings
200.540 Recording Appearances at Hearings
200.550 Failure to Appear or to Exercise Diligence in Proceeding
200.560 Continuances
200.570 Order of Procedure and Receiving Evidence
200.580 Transcripts
200.590 Conduct at Hearings
200.600 Consolidation and Severance
200.605 Procedure for the Identification and Treatment in Hearings of Confidential or

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	Proprietary Information or a Trade Secret
200.610	Evidence
200.615	Waiver of Cross-examination
200.620	Testimony to be Under Oath or Affirmation
200.625	Examination of Adverse Party or Agent
200.630	Stipulation of Facts
200.640	Administrative Notice
200.650	Records of Other Proceedings
200.660	Prepared Testimony
200.670	Exhibits
200.680	Objections
200.690	Offer of Proof
200.700	Record in Commission Proceedings
200.710	Ex Parte Communications

SUBPART E: POST-HEARING PROCEDURE

Section	
200.800	Briefs
200.810	Draft Orders
200.820	Hearing Examiner's Recommended or Proposed Order
200.830	Exceptions; Reply
200.840	Filing of Briefs
200.850	Oral Argument
200.860	Commission Order
200.870	Additional Hearings
200.875	Post-Record Data
200.880	Rehearing
200.890	Appeals
200.900	Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section	
200.1000	Overview of Electronic Filing
200.1010	Acceptable Formats
200.1020	e-Docket Accounts
200.1030	Control Processes
200.1040	Submission of Electronic Documents

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- 200.1045 Electronic Documents Accepted by the Commission
200.1050 Service by Electronic Means
200.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16019, effective October 15, 2000; amended at 32 Ill. Reg. 14497, effective September 1, 2008.

SUBPART A: GENERAL PROVISIONS

Section 200.60 Open Meetings

- a) The Commission shall comply with the provisions of the Open Meetings Act [5 ILCS 120].
- b) Emergency meetings may be called by the Chairman or a majority of the Commission. Nothing in this Part shall prohibit the Commission from conducting meetings partially or wholly by means of telecommunications.
- c) The agenda for each regular meeting shall be posted at the Commission's principal office in Springfield, in an area easily accessible to the public, at the earliest practicable date but in no event less than 48 hours prior to the scheduled meeting. Whenever practicable, similar posting of the agenda shall be made in the Commission's offices in Chicago and on the Commission's Web site (<http://www.icc.illinois.gov>~~http://www.icc.state.il.us~~). A supplemental agenda of matters added subsequent to the initial agenda shall be posted when practicable. Agendas for regular meetings are for information only. Inclusion of an item on the agenda shall not require the Commission to consider it, ~~and absence of an item from the agenda shall not preclude the Commission from considering or acting~~

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~~upon it.~~ Notices and agendas may be obtained from the Chief Clerk's office in Springfield and Chicago.

- d) Participation in meetings is generally limited to Commissioners, Hearing Examiners, and Commission Staff other than Staff witnesses. Except where precluded by Section 200.710, others~~Others~~ may participate in Commission meetings as prescribed in 2 Ill. Adm. Code 1700.10 or on invitation of the Commission ~~except where precluded by Section 200.710~~. The Commission shall take those actions necessary to permit its deliberations to be conducted in an orderly manner.

(Source: Amended at 32 Ill. Reg. 14497, effective September 1, 2008)

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- 1) Heading of the Part: Electric Interconnection of Distributed Generation Facilities
- 2) Code Citation: 83 Ill. Adm. Code 466
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
466.10	New Section
466.30	New Section
466.40	New Section
466.50	New Section
466.60	New Section
466.70	New Section
466.80	New Section
466.90	New Section
466.100	New Section
466.110	New Section
466.120	New Section
466.130	New Section
466.140	New Section
466.APPENDIX A	New Section
466.APPENDIX B	New Section
466.APPENDIX C	New Section
466.APPENDIX D	New Section
466.APPENDIX E	New Section
466.APPENDIX F	New Section
466.APPENDIX G	New Section
- 4) Statutory Authority: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101]
- 5) Effective Date of Rules: August 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection

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9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 6173; April 18, 2008

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

Table of Contents: Section 466.APPENDIX C: Changed "Contract" to "Application".

Table of Contents: Section 466.APPENDIX D: Changed "Application" to "Contract".

Changed "MW" to "MVA" throughout text of rules.

Changed "kW" to "kVA" throughout text of rules.

Changed references from "Appendix C" to "Appendix D".

Changed references from "Appendix D" to "Appendix C".

Section 466.50(b): Added "EDCs may charge a fee by level that applicants must remit in order to process an interconnection request. The EDCs shall not charge more than the fees specified in the interconnection request application forms (Appendices A and D)."

Section 466.60(f): Added "the applicant's legal right to control the".

Section 466.80(a): Added new subsection (a)(3), relabeled succeeding subsections in (a) accordingly; replaced "an inverter-based" with "a".

Section 466.80(b)(4): Added "or a spot network limited to serving one customer".

Section 466.80(b)(5): Replaced "; or" with ", other than minor modifications provided for in Section 466.100(f)".

Section 466.80(c): Reconfigured labelling.

Section 466.90(a)(1): Changed "50" to "15"; changed "minimum" to "maximum"; deleted "If minimum load values for the distribution circuit are not available, then the total generation on the distribution circuit, including the proposed distribution generation facility, may not exceed 15% of the maximum load normally supplied by the distribution circuit."

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Section 466.90(a)(2): Replaced original language with "The total capacity of distributed generation facilities connected on the load side of spot network protectors, including the proposed facility, shall not exceed 5% of the spot network's maximum load or 50 kVAa, whichever is less."

Section 466.90(b)(2): Replaced "materials" with "information"; added "after receiving notice from the EDC".

Section 466.100(a)(1): Replaced original language with "For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 15% of the maximum normal load normally supplied by the distribution circuit."

Section 466.100(a)(3): Replaced "25" with "10".

Section 466.100(d): Added "and return" after "sign"; replace "construction is required" with "the EDC constructs an additional review"; added "(f)" after "466.100"; deleted "any".

Section 466.110(a)(3): Added "The EDC shall then inform the applicant of its queue position."

Section 466.110(a)(5): Changed reference to "Section 466.80(c)(1)".

Section 466.110(a)(6): Changed first reference to "Section 466.80(c)(2)".

Section 466.120: Changed reference to "Section 466.8(d)".

Section 466.120(c): After first sentence, added "When assigning a queue position, an EDC may consider whether there are any other interconnection projects on the same distribution circuit. If there are other interconnection projects on the same distribution circuit, the EDC may consider them together. If an EDC assigns a queue position based on the existence of interconnection projects on the same distribution circuit, the EDC shall notify the applicant of that fact when it assigns the queue position."; after last sentence, added "If the interconnection request is subsequently amended, it shall receive a new queue position based on the date that it was amended."

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Section 466.120(d)(3): Added "If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn." after last sentence.

Section 466.120(d)(4): Added "If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn." after last sentence.

Section 466.120(d)(5): Added "If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn." after last sentence.

Section 466.120(e)(2): Rewrote proposed second sentence to read "The study identifies and details the system impacts that interconnecting the distributed generation facility to the distribution system has if there are no system modifications."

Section 466.120(e)(2)(C): Added subsection (v).

Section 466.120(e)(2)(D): Replaced proposed language with "The parties may use an interconnection impact study agreement as approved by the Commission. If both parties agree, however, an alternative form can be used."

Section 466.120(f): Added "as to its reasons for denying interconnection. If denied, the interconnection request does not retain its position in the queue." to the end.

Section 466.120(g): Added "If withdrawn, the interconnection request does not retain its position in the queue."

Section 466.130(b): Added "10" after "business. In last sentence, changed "a Party chooses" to "parties agree".

Section 466.130(c): Deleted proposed language and replaced with: "Subsequent to the informal meeting referred to in subsection (b), a party may seek resolution of any disputes through the complaint or mediation procedures available at the Consumer Services Division (CSD) of the Commission. Dispute resolution at the Commission will be initially conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. If no resolution is reached after informal discussions, either Party may file a formal complaint with the Commission."

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Section 466.130(d): Replaced "may" with "shall".

Section 466.140(c): Added "to the extent that such information would violate security requirements or confidentiality agreements, or it is contrary to law or State or federal regulations" to the end of the last sentence.

Section 466.APPENDIX A: In "Insurance Disclosure", deleted proposed language and replaced with "The attached terms and conditions contain provisions related to liability and indemnification and should be carefully considered by the interconnection customer. The interconnection customer shall carry general liability insurance coverage, such as, but not limited to, homeowner's insurance. Whenever possible, the interconnection customer shall name the EDC as an additional insured on its homeowner's insurance policy, or similar policy covering general liability."

Section 466.APPENDIX A: In "(7) Indemnification", deleted "except to the extent caused by the EDC's gross negligence or willful misconduct" and "except to the extent caused by the interconnection customer's gross negligence or willful misconduct".

Section 466.APPENDIX A: Added item (8) on insurance and renumbered rest of Sections accordingly.

Replaced originally proposed language in APPENDIX C with language adopted regarding the application.

Replaced originally proposed language in APPENDIX D with language adopted regarding the contract.

Section 466.APPENDIX E: Item 7, deleted proposed language and replaced with "Interconnection customer shall provide a study deposit equal to 100% of the estimated non-binding study costs at least 20 business days prior to the date upon which the study commences."

Section 466.APPENDIX F: Item 6, deleted proposed language and replaced with "Interconnection customer shall provide a study deposit equal to 100% of the estimated non-binding study costs at least 20 business days prior to the date upon which the study commences."

Section 466.APPENDIX G: Item 5: deleted proposed language and replaced with "Interconnection customer shall provide a study deposit of 100% of the estimated non-

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binding study costs at least 20 business days prior to the date upon which the study commences."

Section 466.APPENDIX G, Attachment A: Replaced "Data" with "Information".

- 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 these rules replace any emergency rules currently in effect? Yes
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: Persons utilizing net metering under Section 16-107.5 of the Public Utilities Act and 83 Ill. Adm. Code 465 must interconnect with the electric power grid. Part 466 sets out the standards for equipment to be used in interconnection. The rules also set out the various levels of interconnection based on the capacity of the generating equipment, the application requirements for the individual levels of interconnection, and the contract requirements for the levels of interconnection. The review procedures are set out, as are the dispute procedures.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 466

ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

Section

466.10	Scope
466.30	Definitions
466.40	Technical standards
466.50	Interconnection requests
466.60	General requirements
466.70	Lab-certified equipment
466.80	Determining the review level
466.90	Level 1 expedited review
466.100	Level 2 expedited review
466.110	Level 3 expedited review
466.120	Level 4 review
466.130	Disputes
466.140	Records
466.APPENDIX A	Level 1 Application and Contract
466.APPENDIX B	Certificate of Completion
466.APPENDIX C	Levels 2 to 4 Application
466.APPENDIX D	Levels 2 to 4 Contract
466.APPENDIX E	Interconnection Feasibility Study Agreement
466.APPENDIX F	Interconnection System Impact Study Agreement
466.APPENDIX G	Interconnection Facilities Study Agreement

AUTHORITY: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101].

SOURCE: Emergency rules adopted at 32 Ill. Reg. 6556, effective April 1, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. 14504, effective August 25, 2008.

Section 466.10 Scope

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The Illinois Distributed Generation Interconnection Standard applies to generation facilities operated in parallel with an electric public utility distribution company in Illinois and meeting the following criteria:

- a) The nameplate capacity of the distributed generation facility is equal to or less than 10 MVA; and
- b) The distributed generation facility is not subject to the interconnection requirements of either the Federal Energy Regulatory Commission (FERC) or the applicable Regional Transmission Organization (RTO) (either Midwest Independent Transmission System Operator, Inc. (MISO) or PJM Interconnection, LLC (PJM)).

Section 466.30 Definitions

Terms defined in Section 16-102 of the Public Utilities Act (Act) [220 ILCS 5/16-102] shall have the same meaning for purposes of this part as they have under Section 16-102 of the Act, unless further defined in this Part. The following words and terms, when used in this Part, have the following meanings unless the context indicates otherwise:

"Adverse system impact" means a negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

"Affected system" means an electric system not owned or operated by the electric distribution company reviewing the interconnection request that could suffer an adverse system impact from the proposed interconnection.

"Applicant" means a person (or entity) who has submitted an interconnection request to interconnect a distributed generation facility to an EDC's electric distribution system.

"Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas.

"Business day" means Monday through Friday, excluding State and federal holidays.

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"Calendar day" means any day, including Saturdays, Sundays and State and federal holidays.

"Certificate of completion" means a certificate, in a form approved by the Commission, that contains information about the interconnection equipment to be used, its installation and local inspections (see Appendix B).

"Commissioning test" means tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified in Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 Section 5.4 "Commissioning tests".

"Distributed generation facility" means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, a prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or local electric power system.

"Distribution upgrade" means a required addition or modification to the electric distribution system to accommodate the interconnection of the distributed generation facility. Distribution upgrades do not include interconnection facilities.

"Draw-out type circuit breaker" means a switching device capable of making, carrying and breaking currents under normal and abnormal circuit conditions such as those of a short circuit. A draw-out circuit breaker can be physically removed from its enclosure creating a visible break in the circuit. The draw-out circuit breaker shall be capable of being locked in the open, drawn-out position.

"Electric distribution company" (EDC) means any electric utility subject to the jurisdiction of the Commission.

"Electric distribution system" means the facilities and equipment owned and operated by the EDC and used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at

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which electric distribution systems operate differ among areas, but generally operate at less than 100 kilovolts of electricity. "Electric distribution system" has the same meaning as the term "Area EPS," as defined in Section 3.1.6.1 of IEEE Standard 1547.

"Fault current" is the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Often, a fault current is several times larger in magnitude than the current that normally flows through a circuit.

"IEEE Standard 1547" is the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997, Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems." This incorporation does not include any later amendments or editions.

"IEEE Standard 1547.1" is the IEEE Standard 1547.1 (2005) "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems." This incorporation does not include any later amendments or editions.

"Interconnection customer" means a person or entity that interconnects a distributed generation facility to an electric distribution system.

"Interconnection equipment" means a group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric power system, as that term is defined in Section 3.1.6.2 of IEEE Standard 1547, or with the electric distribution system. Interconnection equipment is all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

"Interconnection facilities" means facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility's interconnection equipment and the point of interconnection, including any modifications, additions, or upgrades

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necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

"Interconnection request" means an applicant's request, in a form approved by the Commission, for interconnection of a new distributed generation facility or to change the capacity or other operating characteristics of an existing distributed generation facility already interconnected with the electric distribution system.

"Interconnection study" is any study described in Sections 466.120.

"Lab-certified" means a designation that the interconnection equipment meets the requirements set forth in Section 466.70.

"Line section" is that portion of an electric distribution system connected to an interconnection customer's site, bounded by automatic sectionalizing devices and/or the end of the distribution line.

"Local electric power system" means facilities that deliver electric power to a load that is contained entirely within a single premises or group of premises. Local electric power system has the same meaning as that term has as defined in Section 3.1.6.2 of IEEE Standard 1547.

"Nameplate capacity" is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and usually indicated on a nameplate physically attached to the power production equipment.

"Nationally recognized testing laboratory" or "NRTL" means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. See 29 CFR 1910.7. (July 31, 2000). This incorporation does not include any later amendments or editions. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in its NRTL program.

"Parallel operation" or "parallel" means a distributed generation facility that is connected electrically to the electric distribution system for longer than 100 milliseconds.

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"Point of interconnection" means the point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in Section 3.1.13 of IEEE Standard 1547.

"Primary line" means an electric distribution system line operating at greater than 600 volts.

"Queue position" means, for each distribution circuit or line section, the order of a completed interconnection request relative to all other pending completed interconnection requests on that distribution circuit or line section. It is established by the date that the EDC receives the completed interconnection request.

"Radial distribution circuit" means a circuit configuration in which independent feeders branch out radially from a common source of supply.

"Scoping meeting" means a meeting between representatives of the applicant and EDC conducted for the purpose of discussing interconnection issues and exchanging relevant information.

"Secondary line" means an electric distribution system line, or service line, operating at 600 volts or less.

"Shared transformer" means a transformer that supplies secondary voltage to more than one customer.

"Spot network" means a type of electric distribution system that uses two or more inter-tied transformers to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers. Spot network has the same meaning as the term "spot network" defined in Section 4.1.4 of IEEE Standard 1547.

"Standard distributed generation interconnection agreement" means a standard interconnection agreement applicable to interconnection requests for distributed generation facilities. (see Appendices A and D).

"UL Standard 1741" means the standard titled "Inverters Converters, and Controllers for Use in Independent Power Systems," November 7, 2005 edition,

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Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook IL 60062-2096.
This incorporation does not include any later amendments or editions.

"Witness test" means a verification either by an on-site observation or review of documents that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been performed. For interconnection equipment that has not been lab-certified, the witness test shall also include verification of the on-site design tests as required by IEEE Standard 1547 Section 5.1 and verification of production tests required by IEEE Standard 1547 Section 5.2. All verified tests are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

Section 466.40 Technical Standards

The technical standard to be used in evaluating interconnection requests governed by the Illinois Distributed Generation Interconnection Standard is IEEE Standard 1547.

Section 466.50 Interconnection Requests

- a) Applicants seeking to interconnect a distributed generation facility shall submit an interconnection request to the EDC that owns the electric distribution system to which interconnection is sought. Applicants shall use interconnection request forms approved by the Commission.
- b) EDCs shall specify the fee by level that the applicant shall remit to process the interconnection request. The fee shall be specified in the interconnection request forms. EDCs may charge a fee by level that applicants must remit in order to process an interconnection request. The EDCs shall not charge more than the fees specified in the interconnection request application forms (Appendices A and D).
- c) Interconnection requests may be submitted electronically, if agreed to by the parties.

Section 466.60 General Requirements

- a) When an interconnection request for a distributed generation facility includes multiple energy production devices at a site for which the applicant seeks a single

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point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate nameplate capacity of the multiple devices.

- b) When an interconnection request is for an increase in capacity for an existing distributed generation facility, the interconnection request shall be evaluated on the basis of the new total nameplate capacity of the distributed generation facility.
- c) EDCs shall designate a point of contact and provide contact information on its website. The point of contact shall be able to direct applicant questions concerning interconnection request submissions and the interconnection request process to knowledgeable individuals within the EDC.
- d) The information that the EDC makes available to potential applicants can include previously existing EDC studies that help applicants understand whether it is feasible to interconnect a distributed generation facility at a particular point on the EDC's electric distribution system. However, the EDC can refuse to provide the information to the extent that providing it violates security requirements or confidentiality agreements, or it is contrary to law or State or federal regulations. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of this information.
- e) When an interconnection request is deemed complete by the EDC, any modification that is not agreed to by the EDC requires submission of a new interconnection request.
- f) When an applicant is not currently a customer of the EDC at the proposed site, the applicant shall provide, upon EDC request, proof of the applicant's legal right to control the site, evidenced by the applicant's name on a property tax bill, deed, lease agreement or other legally binding contract.
- g) To minimize the cost to interconnect multiple distributed generation facilities, the EDC or the applicant may propose a single point of interconnection for multiple distributed generation facilities located at an interconnection customer site that is on contiguous property. If the applicant rejects the EDC's proposal for a single point of interconnection, the applicant shall pay any additional cost to provide a separate point of interconnection for each distributed generation facility. If the EDC, without written technical explanation, rejects the customer's proposal for a single point of interconnection, the EDC shall pay any additional cost to provide separate points of interconnection for each distributed generation facility.

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- h) EDCs may require that distributed generation facilities have the capability to be isolated from the EDC. For distributed generation facilities interconnecting to a primary line, the isolation shall be by means of a lockable, visible-break isolation device accessible by the EDC. For distributed generation facilities interconnecting to a secondary line, the isolation shall be by means of a lockable isolation device whose status is indicated and is accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the distributed generation facility and located electrically between the distributed generation facility and the point of interconnection. A draw-out type of circuit breaker accessible to the EDC with a provision for padlocking at the drawn-out position satisfies the requirement for an isolation device.
- i) The interconnection customer shall allow the EDC to isolate the distributed generation facility. An interconnection customer may elect to provide the EDC with access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise accessible to the EDC by installing a lockbox provided by the EDC that allows ready access to the isolation device. The lockbox shall be in a location determined by the EDC to be accessible by the EDC. The interconnection customer shall permit the EDC to affix a placard in a location of its choosing that provides instructions to EDC operating personnel for accessing the isolation device. If the EDC needs to isolate the distribution generation facility, the EDC shall not be held liable for any damages resulting from the actions necessary to isolate the generation facility.
- j) Any metering required for a distributed generation interconnection shall be installed, operated, and maintained in accordance with applicable EDC tariffs and agreements. Any such metering requirements shall be identified in the standard distributed generation interconnection agreement executed between the interconnection customer and the EDC.
- k) EDC monitoring and control of distributed generation facilities are permitted only when the nameplate rating is greater than 2 MVA. Monitoring and control requirements shall be consistent with the EDC's published requirements and shall be clearly identified in the interconnection agreement between the interconnection customer and the EDC. Transfer trip shall not be considered EDC monitoring and control when required and installed to protect the electric distribution system or an affected system against adverse system impacts.

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- l) The EDC may require a witness test after the distributed generation facility is constructed. The applicant shall provide the EDC with at least 15 business days notice of the planned commissioning test for the distributed generation facility. The applicant and EDC shall schedule the witness test at a mutually agreeable time. If the witness test results are not acceptable to the EDC, the applicant shall be granted 30 business days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the applicant prior to the end of the 30 business days. An initial request for extension shall not be denied by the EDC; subsequent requests may be denied. If the applicant fails to address and resolve the deficiencies to the EDC's satisfaction, the interconnection request shall be deemed withdrawn. Even if the EDC or an entity approved by the EDC does not witness a commissioning test, the applicant remains obligated to satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547 Section 5. The applicant shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

Section 466.70 Lab-Certified Equipment

An interconnection request may be eligible for expedited interconnection review under Section 466.90 if the distributed generation facility uses interconnection equipment that is lab-certified. Interconnection equipment shall be deemed to be lab-certified upon establishment of the following:

- a) The interconnection equipment has been successfully tested in accordance with IEEE Standard 1547.1, and it complies with the appropriate codes and standards referenced in subsection (f) as demonstrated by any NRTL recognized by OSHA to test and certify interconnection equipment; and
- b) The interconnection equipment has been labeled and is publicly listed by the NRTL at the time of the interconnection application; and
- c) The NRTL testing the interconnection equipment makes all test standards and procedures that it used to perform equipment certification available, and, with applicant approval, the test data itself. The NRTL may make this information readily available by publishing it on its web site and by encouraging it to be included in the manufacturer's literature accompanying the equipment; and

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- d) The applicant's use of the interconnection equipment falls within the use or uses for which the interconnection equipment was labeled and listed by the NRTL; and
- e) The generator, other electric sources, and/or interface components being utilized are compatible with the interconnection equipment and are consistent with the testing and listing specified by the NRTL for this type of interconnection equipment; and
- f) To meet the requirements for lab certification, interconnection equipment shall be evaluated by an NRTL in accordance with the following codes and standards:
 - 1) IEEE 1547 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity);
 - 2) UL 1741 Inverters, Converters, and Controllers and Interconnection System Requirement with Distributed Energy Resources; and
 - 3) NFPA 70, National Electrical Code (2008), National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471. This incorporation does not include any later amendments or editions; and
- g) Lab-certified interconnection equipment shall not require further design testing or production testing, as specified by IEEE Standard 1547 Sections 5.1 and 5.2, or additional interconnection equipment modification to meet the requirements for expedited review; however, nothing in this Section shall preclude the need for an interconnection installation evaluation, commissioning tests or periodic testing as specified by IEEE Standard 1547 Sections 5.3, 5.4 and 5.5 or for a witness test conducted by an EDC.

Section 466.80 Determining the Review Level

An EDC shall determine whether an interconnection request should be processed under the Level 1, 2, 3 or 4 procedures by using the following screens:

- a) An EDC shall use Level 1 procedures to evaluate all interconnection requests to connect a distributed generation facility when:
 - 1) The applicant has filed a Level 1 application; and

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- 2) The distributed generation facility has a nameplate capacity of 10 kVA or less; and
 - 3) The distributed generation facility is inverter-based; and
 - 4) The customer interconnection equipment proposed for the distributed generation facility is lab-certified; and
 - 5) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.
- b) An EDC shall use Level 2 procedures for evaluating interconnection requests when:
- 1) The applicant has filed a Level 2 application; and
 - 2) The nameplate capacity rating is 2 MVA or less; and
 - 3) The interconnection equipment proposed for the distributed generation facility is lab-certified; and
 - 4) The proposed interconnection is to a radial distribution circuit or a spot network limited to serving one customer; and
 - 5) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility, other than minor modifications provided for in Section 466.100(f).
- c) An EDC shall use Level 3 review procedures for evaluating interconnection requests to area networks and radial distribution circuits where power will not be exported based on the following criteria.
- 1) For interconnection requests to the load side of an area network, the following criteria shall be satisfied to qualify for a Level 3 expedited review:
 - A) The applicant has filed a Level 3 application; and

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- B) The nameplate capacity of the distributed generation facility is less than or equal to 50 kVA; and
 - C) The proposed distributed generation facility uses a lab-certified inverter-based equipment package; and
 - D) The distributed generation facility uses reverse power relays and/or other protection functions that prevent the export of power into the area network; and
 - E) The aggregate of all generation on the area network does not exceed the lower of 5% of an area network's maximum load or 50 kVA; and
 - F) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.
- 2) For interconnection requests to a radial distribution circuit, the following criteria shall be satisfied to qualify for a Level 3 expedited review:
- A) The applicant has filed a Level 3 application; and
 - B) The aggregated total of the nameplate capacity of all of the generators on the circuit, including the proposed distributed generation facility, is 10 MVA or less; and
 - C) The distributed generation facility will use reverse power relays or other protection functions that prevent power flow onto the electric distribution system; and
 - D) The distributed generation facility is not served by a shared transformer; and
 - E) No construction of facilities by the EDC on its own system shall be required to accommodate the distributed generation facility.
- d) An EDC shall use the Level 4 study review procedures for evaluating interconnection requests when:

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- 1) The applicant has filed a Level 4 application; and
- 2) The nameplate capacity of the small generation facility is 10 MVA or less; and
- 3) Not all of the interconnection equipment or distributed generation facilities being used for the application is lab-certified.

Section 466.90 Level 1 Expedited Review

An EDC shall use the Level 1 interconnection review procedures for an interconnection request that meet the requirements specified in Section 466.80(a). An EDC may not impose additional requirements on Level 1 reviews that are not specifically authorized under this Section unless the applicant agrees.

- a) The EDC shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:
 - 1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 15% of the maximum load normally supplied by the distribution circuit.
 - 2) The total capacity of distributed generation facilities connected on the load side of spot network protectors, including the proposed facility, shall not exceed 5% of the spot network's maximum load or 50 kVA, whichever is less.
 - 3) When a proposed distributed generation facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, shall not exceed 20 kVA.
 - 4) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

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- 5) The EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.
- b) The Level 1 interconnection shall use the following procedures:
- 1) The applicant submits an interconnection request using the appropriate form along with the Level 1 application fee (see Appendix A).
 - 2) Within 7 business days after receipt of the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what information is missing and the applicant has 10 business days after receiving notice from the EDC to provide the missing information or the interconnection request shall be deemed withdrawn.
 - 3) Within 15 business days after the EDC notifies the applicant that its interconnection request is complete, the EDC shall verify whether the distributed generation facility passes all the relevant Level 1 screens.
 - 4) If the EDC determines and demonstrates that a distributed generation facility does not pass all relevant Level 1 screens, the EDC shall provide a letter to the applicant explaining the reasons that the facility did not pass those screens.
 - 5) Otherwise, the EDC shall approve the interconnection request and provide to the applicant a signed version of the "Conditional Agreement to Interconnect Distributed Generation Facility" in Appendix A subject to the following conditions:
 - A) The distributed generation facility has been approved by local or municipal electric code officials with jurisdiction over the interconnection;
 - B) A certificate of completion (see Appendix B) has been returned to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities;

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- C) The witness test has been successfully completed if required by the EDC or if the witness test has been waived according to of Appendix A(2)(c)(ii); and
 - D) The applicant has signed a standard distributed generation interconnection agreement (see Appendix A). When an applicant does not sign the agreement within 30 business days after receipt of the agreement from the EDC, the interconnection request is deemed withdrawn unless the applicant requests to have the deadline extended for no more than 15 business days. An initial request for extension shall not be denied by the EDC, but subsequent requests may be denied.
- 6) If a distributed generation facility is not approved under a Level 1 review, and the EDC's reasons for denying Level 1 status are not subject to dispute, the applicant may submit a new interconnection request for consideration under Level 2, Level 3 or Level 4 procedures.

Section 466.100 Level 2 Expedited Review

An EDC shall use the Level 2 review procedure for interconnection requests that meet the Level 2 criteria in Section 466.80(b). An EDC may not impose additional requirements for Level 2 reviews that are not specifically authorized under this Section unless the applicant agrees.

- a) The EDC shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:
 - 1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 15% of the maximum normal load normally supplied by the distribution circuit
 - 2) For interconnection of a proposed distributed generation facility to the load side of spot network protectors, the proposed distributed generation facility shall utilize an inverter-based equipment package. The customer interconnection equipment proposed for the distributed generation facility must be lab-certified and, when aggregated with other generation, may not exceed 5% of a spot network's maximum load.

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- 3) The proposed distributed generation facility, in aggregation with other generation on the distribution circuit, may not contribute more than 10% to the distribution circuit's maximum fault current at the point on the primary line nearest the point of interconnection.
- 4) The proposed distributed generation facility, in aggregate with other generation on the distribution circuit, shall not cause any distribution protective devices and equipment including substation breakers, fuse cutouts, and line reclosers, or other customer equipment on the electric distribution system to be exposed to fault currents exceeding 90% of their short circuit interrupting capability. The interconnection may not occur under Level 2 if equipment on the EDC's distribution circuit is already exposed to fault currents of between 90% and 100% of the EDC's equipment short circuit interrupting capability. However, if fault currents exceed 100% of the EDC's equipment short circuit interrupting capability even without the distributed generation being interconnected, the EDC shall replace the equipment at its own expense, and interconnection may proceed under Level 2.
- 5) When a customer-generator facility is to be connected to 3-phase, 3-wire primary EDC distribution lines, a 3-phase or single-phase generator shall be connected phase-to-phase.
- 6) When a customer-generator facility is to be connected to 3-phase, 4-wire primary EDC distribution lines, a 3-phase or single phase generator shall be connected line-to-neutral and shall be grounded.
- 7) When the proposed distributed generation facility is to be interconnected on single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, may not exceed 20 kVA.
- 8) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

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- 9) A distributed generation facility, in aggregate with other generation interconnected to the distribution side of a substation transformer feeding the circuit where the distributed generation facility proposes to interconnect, may not exceed 10 MVA in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity.
 - 10) Except as permitted by additional review in Section 466.100(f), the EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.
- b) The Level 2 interconnection shall use the following procedures:
- 1) The applicant submits an interconnection request using the appropriate form and the Level 2 application fee (see Appendix C).
 - 2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant as to whether the interconnection request is complete. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.
 - 3) After an interconnection request is deemed complete, the EDC shall assign a queue position based upon the date that the interconnection request is determined to be complete. The EDC shall then inform the applicant of its queue position.
 - 4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request this information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.

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- 5) Within 20 business days after the EDC notifies the applicant it has received a completed interconnection request, the EDC shall:
 - A) Evaluate the interconnection request using the Level 2 screening criteria.
 - B) Provide the applicant with the EDC's evaluation, including a written technical explanation. If an EDC does not have a record of receipt of the interconnection request and the applicant can demonstrate that the original interconnection request was delivered, the EDC shall expedite its review to complete the evaluation of the interconnection request within 20 business days after applicant's demonstration.
- c) When an EDC determines that the interconnection request passes the Level 2 screening criteria, or the EDC determines that the distributed generation facility can be interconnected safely and will not cause adverse system impacts, even if it fails one or more of the Level 2 screening criteria, it shall provide the applicant with a standard distributed generation interconnection agreement (see Appendix D) on the day the EDC makes its determination.
- d) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign and return the agreement within 30 business days, the interconnection request shall be deemed withdrawn unless the applicant requests a 15 business day extension in writing. The initial request for extension may not be denied by the EDC. When the EDC constructs an additional review under the provisions of subsection (f), the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the standard distributed generation interconnection agreement.
- e) The standard distributed generation interconnection agreement is not final until:
 - 1) All requirements in the standard distributed generation interconnection agreement are satisfied;
 - 2) The distributed generation facility is approved by the electric code officials with jurisdiction over the interconnection;

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- 3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
 - 4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix D.
- f) Additional review may be appropriate when a distributed generation facility fails to meet one or more of the Level 2 screens. The EDC shall offer to perform additional review to determine whether there are minor modifications to the distributed generation facility or electric distribution system that would enable the interconnection to be made safely and so that it will not cause adverse system impacts. The EDC shall provide the applicant with a nonbinding estimate for the costs of additional review and the costs of minor modifications to the electric distribution system. The EDC shall undertake the additional review only after the applicant pays for the additional review. The EDC shall undertake the modifications only after the applicant pays for the modifications.
- g) If the distributed generation facility is not approved under a Level 2 review, the EDC shall provide the applicant with written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 2 interconnection request shall be retained, provided that the request is made by the applicant within 15 business days after notification that the current interconnection request is denied.

Section 466.110 Level 3 Expedited Review

An EDC shall use the Level 3 expedited review procedure for an interconnection request that meets the criteria in Section 466.80(c) or (d). An EDC may not impose additional requirements for Level 3 reviews not specifically authorized under this section unless the applicant agrees.

- a) A Level 3 interconnection shall use the following procedures:
 - 1) The applicant submits an interconnection request using the appropriate form and the Level 3 application fee (see Appendix C).
 - 2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant as to whether the interconnection request

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is complete. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information, or the interconnection request shall be deemed withdrawn.

- 3) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete. The EDC shall then inform the applicant of its queue position.
- 4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request this information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay is required for receipt of the additional information. If this additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.
- 5) Interconnection requests meeting the requirements set forth in Section 466.80(c)(1) for non-exporting distributed generation facilities interconnecting to an area network shall be presumed to be appropriate for interconnection. The EDC shall process the interconnection request to area networks using the following procedures:
 - A) The EDC shall evaluate the interconnection request under Level 2 interconnection review procedures as set forth in Section 466.100(a) except that the EDC has 25 business days to evaluate the interconnection request against the screens to determine whether interconnecting the distributed generation facility to the EDC's area network has any potential adverse system impacts.
 - B) If the Level 2 screens for area networks identify potential adverse system impacts, the EDC may determine, at its sole discretion, that it is inappropriate for the distributed generation facility to interconnect to the area network under Level 3 review, and the interconnection request is denied. The applicant may submit a new interconnection request for consideration under Level 4 procedures

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at the queue position assigned to the Level 3 interconnection request, if the request is made within 15 business days after notification that the current application is denied.

- 6) For interconnection requests that meet the requirements of Section 466.80(c)(2) for non-exporting distributed generation facilities interconnecting to a radial distribution circuit, the EDC shall evaluate the interconnection request under the Level 2 expedited review in Section 466.100(a).
- b) For a distributed generation facility that satisfies the criteria in Section 466.110(a)(5) or (a)(6), the EDC shall approve the interconnection request and provide a standard interconnection agreement (see Appendix D) for the applicant to sign on the day the EDC makes its determination.
- c) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall complete, sign and return the agreement to the EDC. If the applicant does not sign the standard distributed generation interconnection agreement within 30 business days, the request shall be deemed withdrawn, unless the applicant requests a 15 business day extension in writing. An initial request for extension may not be denied by the EDC. After the standard distributed generation interconnection agreement is signed by the parties, interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the standard distributed generation interconnection agreement.
- d) The interconnection agreement shall not be final until:
 - 1) All requirements in the interconnection agreement are satisfied; and
 - 2) The distributed generation facility is approved by the electric code officials with jurisdiction over the distributed generation facility; and
 - 3) The applicant provides a certificate of completion (see Appendix B) to the EDC; and
 - 4) The witness test is successfully completed, if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix D.

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- e) If the distributed generation facility is not approved under a Level 3 review, the EDC shall provide the applicant with written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 3 interconnection request shall be retained, provided that the request is made within 15 business days after notification that the current interconnection request is denied.

Section 466.120 Level 4 Review

An EDC shall use the Level 4 study review procedures for an interconnection request that meets the criteria in Section 466.80(d).

- a) The applicant submits an interconnection request using the appropriate form, along with the Level 4 application fee (see Appendix C).
- b) Within 10 business days after receipt of an interconnection request, the EDC shall notify the applicant whether the request is complete. When the interconnection request is not complete, the EDC shall provide the applicant with a written list detailing the information required to complete the interconnection request. The applicant has 10 business days to provide the required information or the interconnection request is considered withdrawn. The parties may agree to extend the time for receipt of the additional information. The interconnection request is deemed complete when the required information has been provided by the applicant, or the parties have agreed that the applicant may provide additional information at a later time.
- c) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete. When assigning a queue position, an EDC may consider whether there are any other interconnection projects on the same distribution circuit. If there are other interconnection projects on the same distribution circuit, the EDC may consider them together. If an EDC assigns a queue position based on the existence of interconnection projects on the same distribution circuit, the EDC shall notify the applicant of that fact when it assigns the queue position. The queue position of an interconnection request is used to determine the cost responsibility for the facilities necessary to accommodate the interconnection. The EDC shall notify the applicant as to its position in the queue. If the

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interconnection request is subsequently amended, it shall receive a new queue position based on the date that it was amended.

- d) After the interconnection request has been assigned to the queue, the following procedures shall be followed in performing a Level 4 study review:
- 1) By mutual agreement of the parties, the scoping meeting, interconnection feasibility study, interconnection impact study, or interconnection facilities study provided for in a Level 4 review and discussed in this Section may be waived or combined.
 - 2) If agreed to by the parties, a scoping meeting on a mutually agreed upon date and time shall be held, after the EDC has notified the applicant that the Level 4 interconnection request is deemed complete, or the applicant has requested that its interconnection request proceed under Level 4 review after failing the requirements of a Level 2 or Level 3 review. The meeting's purpose is to review the interconnection request, existing studies relevant to the interconnection request, and the results of the Level 1, Level 2 or Level 3 screening criteria.
 - 3) When the parties agree that an interconnection feasibility study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection feasibility study agreement (see Appendix E), including an outline of the scope of the study and an estimate of the cost to perform the study. If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn.
 - 4) When the parties agree that an interconnection feasibility study is not required, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection system impact study agreement (see Appendix F), including an outline of the scope of the study and an estimate of the cost to perform the study. If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn.

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- 5) If the parties agree that neither an interconnection feasibility study nor a system impact study is required, the EDC shall provide to the applicant, no later than 10 business days after receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection facilities study agreement (see Appendix G) including an outline of the scope of the study and an estimate of the cost to perform the study. If the applicant does not sign and return the study agreement within 15 business days, the application shall be deemed withdrawn.
- e) The following guidelines shall govern all required interconnection studies:
- 1) An interconnection feasibility study shall include any necessary analyses for the purpose of identifying a potential adverse system impact to the EDC's electric distribution system that would result from the interconnection from among the following:
 - A) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection.
 - B) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection.
 - C) Initial review of grounding requirements and system protection.
 - D) Description and nonbinding estimated cost of facilities required to interconnect the distributed generation facility to the EDC's electric distribution system in a safe and reliable manner.
 - E) If an applicant requests that the interconnection feasibility study evaluate multiple potential points of interconnection, additional evaluations may be required. Additional evaluations shall be paid for by the applicant.
 - F) An interconnection system impact study is not required when the interconnection feasibility study concludes that there is no adverse system impact, or when the study identifies an adverse system impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

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- G) Each party can require that the standard form of interconnection feasibility study agreement approved by the Commission be used. If both parties agree, however, an alternative form can be used.
- 2) An interconnection system impact study evaluates the impact of the proposed interconnection on both the safety and reliability of the EDC's electric distribution system. The study identifies and details the system impacts that interconnecting the distributed generation facility to the distribution system has if there are no system modifications. It focuses on the potential or actual adverse system impacts identified in the interconnection feasibility study, including those that were identified in the scoping meeting. The study shall consider all other distributed generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the EDC's system, have a pending higher queue position to interconnect to the electric distribution system, or have signed an interconnection agreement.
- A) A distribution interconnection system impact study shall be performed when a potential distribution system adverse system impact is identified in the interconnection feasibility study. The EDC shall send the applicant an interconnection system impact study agreement within 10 business days after transmittal of the interconnection feasibility study report. The agreement shall include an outline of the scope of the study and a non-binding estimate of the cost to perform the study. The impact study shall include any pertinent elements from among the following:
- i) A load flow study;
 - ii) Identification of affected systems;
 - iii) An analysis of equipment interrupting ratings;
 - iv) A protection coordination study;
 - v) Voltage drop and flicker studies;
 - vi) Protection and set point coordination studies;

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- vii) Grounding reviews;
 - viii) Impact on system operation.
- B) An interconnection system impact study shall consider any necessary criteria from among the following:
- i) A short circuit analysis;
 - ii) A stability analysis;
 - iii) Alternatives for mitigating adverse system impacts on affected systems;
 - iv) Voltage drop and flicker studies;
 - v) Protection and set point coordination studies;
 - vi) Grounding reviews.
- C) The final interconnection system impact study shall provide the following:
- i) The underlying assumptions of the study;
 - ii) The results of the analyses;
 - iii) A list of any potential impediments to providing the requested interconnection service;
 - iv) Required distribution upgrades; and
 - v) A non-binding estimate of cost and time to construct any required distribution upgrades.
- D) The parties may use an interconnection impact study agreement as approved by the Commission. If both parties agree, however, an alternative form can be used.

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- E) The parties may use an interconnection impact study agreement as approved by the Commission. If both parties agree, however, an alternative form can be used.
- 3) The interconnection facilities study shall be conducted as follows:
- A) A report shall be transmitted to the applicant with an interconnection facilities study agreement, that includes an outline of the scope of the study and a non-binding estimate of the cost to perform the study within 10 business days after completion of the interconnection system impact study.
 - B) The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study. The interconnection facilities study shall identify:
 - i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;
 - ii) The nature and estimated cost of the EDC's interconnection facilities and distribution upgrades necessary to accomplish the interconnection; and
 - iii) An estimate for the time required to complete the construction and installation of the facilities.
 - C) The EDC may agree to permit an applicant to separately arrange for a third party to design and construct the required interconnection facilities. In such a case, when the applicant agrees to separately arrange for design and construction, and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the applicant to permit the applicant to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the EDC's specifications.

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- D) Upon completion of the interconnection facilities study, and after the applicant agrees to pay for the interconnection facilities and distribution upgrades identified in the interconnection facilities study, the EDC shall provide a standard distributed generation interconnection agreement (see Appendix D) for the applicant to sign the day the EDC makes its determination.
 - E) In the event that distribution upgrades are identified in the impact study that shall be added only in the event that higher-queued customers not yet interconnected eventually complete and interconnect their generation facilities, the applicant may elect to interconnect without paying for such upgrades at the time of the interconnection, provided that it agrees to pay for such upgrades at the time the higher-queued customer is ready to interconnect. If the applicant does not pay for such upgrades at that time, the EDC shall require the applicant to immediately disconnect its distribution generation facility to accommodate the higher-queued customer.
 - F) The parties may use an interconnection facilities study agreement approved by the Commission. If both parties agree, however, an alternative form can be used.
- f) When an EDC determines, as a result of the studies conducted under a Level 4 review, that it is appropriate to interconnect the distributed generation facility, the EDC shall provide the applicant with a standard distributed generation interconnection agreement. If the interconnection request is denied, the EDC shall provide the applicant with a written explanation as to its reasons for denying interconnection. If denied, the interconnection request does not retain its position in the queue.
- g) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall provide all necessary information required of the applicant by the agreement, and the EDC shall develop all other information required of the EDC by the agreement. After completing the agreement with the additional information, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign and return the agreement within 30 business days after its completion, the interconnection request shall be deemed withdrawn, unless the applicant requests in writing to have the deadline

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extended by no more than 15 business days. The initial request for extension may not be denied by the EDC. If the applicant does not sign the agreement after the 15 business day extension, the interconnection request shall be deemed withdrawn. If withdrawn, the interconnection request does not retain its position in the queue. When construction is required, the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the standard distributed generation interconnection agreement.

- h) The standard distributed generation interconnection agreement is not final until:
 - 1) The requirements of the interconnection agreement are satisfied; and
 - 2) The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection; and
 - 3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
 - 4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix D.

Section 466.130 Disputes

- a) A party shall attempt to resolve all disputes regarding interconnection promptly and in a good faith manner. A party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other party in order to attempt to resolve the dispute in a good faith manner.
- b) An informal meeting between the parties shall be held within 10 business days after receipt of the written notice. Persons with decision-making authority from each party shall attend such meeting. In the event said dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the informal meeting. If the parties agree, such a meeting may be conducted by teleconference.
- c) Subsequent to the informal meeting referred to in subsection (b), a party may seek resolution of any disputes through the complaint or mediation procedures

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available at the Consumer Services Division (CSD) of the Commission. Dispute resolution at the Commission will be initially conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. If no resolution is reached after informal discussions, either party may file a formal complaint with the Commission.

- d) Pursuit of dispute resolution shall not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

Section 466.140 Records

- a) An EDC shall maintain records specified in this subsection for a minimum of three years:
 - 1) The total number of and the nameplate capacity of the completed interconnection requests received, approved and denied under Level 1, Level 2, Level 3 and Level 4 reviews; and
 - 2) The fuel type, total number and the nameplate capacity of distributed generation facilities approved.
- b) An EDC shall provide a public report to the Commission containing the information required in subsection (a) within 90 calendar days after the close of each calendar year. An electronic version, in a legible 12 point font size in PDF (Adobe Acrobat Portable Document Format) shall be delivered to the Commission's offices on CDs (compact discs) or DVDs (digital video discs and digital versatile discs). If the computerized version cannot be directly converted from the word processing document, and must therefore be scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing.
- c) Each EDC shall retain copies of studies it performs to determine the feasibility of, system impacts of, or facilities required by the interconnection of any distributed generation facility. The EDC shall provide the applicant copies of any studies performed in analyzing the applicant's interconnection request upon applicant request. However, an EDC has no obligation to provide any future applicants any information regarding prior interconnection requests to the extent that the information would violate security requirements or confidentiality agreements, or it is contrary to law or State or federal regulations.

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Section 466.APPENDIX A Level 1 Application and Contract

**Illinois Standard Distributed Generation Interconnection
Level 1
Interconnection Request Application Form and
Conditional Agreement to Interconnect
(Lab-Certified Inverter-Based Distributed Generation Facilities 10 kVA and Smaller)**

AN APPLICATION FEE OF \$50.00 MUST BE SUBMITTED WITH THE APPLICATION.

Interconnection Applicant Contact Information

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____

Alternate Contact Information (if different from Applicant)

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____

Equipment Contractor

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____

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Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if Different from Equipment Contractor):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

License number: _____

Active License? Yes No

Is the Interconnection Customer requesting Net Metering in accordance with 83 Ill. Adm. Code 465?

Yes No

Distributed Generation Facility ("Facility") Information

Facility Address: _____

City: _____ State: _____ Zip Code: _____

Electric Distribution Company (EDC) serving Facility site: _____

Electric Supplier (if different from EDC): _____

Account Number of Facility site (existing EDC customers): _____

Inverter Manufacturer: _____ Model: _____

Is the inverter lab-certified as that term is defined in the Illinois Distributed Generation Interconnection Standard? Yes No

(If yes, attach manufacturer's technical specifications and label information from a nationally recognized testing laboratory.)

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Generation Facility Nameplate Rating: _____ (kW) _____ (kVA) _____ (AC Volts)

Prime Mover: Photovoltaic Reciprocating Engine Fuel Cell
Turbine Other _____

Energy Source: Solar Wind Hydro Diesel
Natural Gas Fuel Oil Other _____

Commissioning Date: _____

(If the Commissioning Date changes, the interconnection customer must inform the EDC as soon as it is aware of the changed date.)

Insurance Disclosure

The attached terms and conditions contain provisions related to liability and indemnification, and should be carefully considered by the interconnection customer. The interconnection customer shall carry general liability insurance coverage, such as, but not limited to, homeowner's insurance. Whenever possible, the interconnection customer shall name the EDC as an additional insured on its homeowner's insurance policy, or similar policy covering general liability.

Customer Signature

I hereby certify that: (1) I have read and understand the terms and conditions which are attached hereto by reference; (2) I hereby agree to comply with the attached terms and conditions; and (3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Applicant Signature: _____

Title: _____ Date: _____

.....

Conditional Agreement to Interconnect Distributed Generation Facility

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Receipt of the application fee is acknowledged and, by its signature below, the EDC has determined the interconnection request is complete. Interconnection of the distributed generation facility is conditionally approved contingent upon the attached terms and conditions of this Agreement, the return of the attached Certificate of Completion, duly executed verification of electrical inspection and successful witness test.

EDC Signature: _____ Date: _____

Name: _____ Title: _____

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Terms and Conditions for Interconnection

- 1) **Construction of the Distributed Generation Facility.** The interconnection customer may proceed to construct (including operational testing not to exceed 2 hours) the distributed generation facility, once the conditional Agreement to interconnect a distributed generation facility has been signed by the EDC.
- 2) **Final Interconnection and Operation.** The interconnection customer may operate the distributed generation facility and interconnect with the EDC's electric distribution system after all of the following have occurred:
 - a) **Electrical Inspection:** Upon completing construction, the interconnection customer shall cause the distributed generation facility to be inspected by the local electrical inspection authority, who shall establish that the distributed generator facility meets local code requirements.
 - b) **Certificate of Completion:** The interconnection customer shall provide the EDC with a copy of the Certificate of Completion, with all relevant and necessary information fully completed by the interconnection customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.
 - c) The EDC has completed its witness test as per the following:
 - i) Within 10 business days of the commissioning date, the EDC must, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with the applicable codes.
 - ii) If the EDC does not perform the witness test within the 10 business days after the commissioning date or such other time as is mutually agreed to by the Parties, the witness test is deemed waived unless the EDC cannot do so for good cause. In these cases, upon EDC request, the interconnection customer shall agree to another date for the test within 10 business days after the original scheduled date.
- 3) **IEEE 1547.** The distributed generation facility shall be installed, operated and tested in accordance with the requirements of The Institute of Electrical and Electronics Engineers,

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Inc. (IEEE), 3 Park Avenue New York, NY 10016-5997, Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems."

- 4) **Access.** The EDC shall have direct, unabated access to the disconnect switch and metering equipment of the distributed generation facility at all times. The EDC shall provide 5 business days notice to the customer prior to using its right of access except in emergencies.
- 5) **Metering.** Any required metering shall be installed pursuant to Illinois Commerce Commission approved tariffs.
- 6) **Disconnection.** The EDC may disconnect the distributed generation facility upon any of the following conditions, but must reconnect the distributed generation facility once the condition is cured:
 - a) For scheduled outages, provided that the distributed generation facility is treated in the same manner as EDC's load customers;
 - b) For unscheduled outages or emergency conditions;
 - c) If the distributed generation facility does not operate in the manner consistent with this Agreement;
 - d) Improper installation or failure to pass the witness test;
 - e) If the distributed generation facility is creating a safety, reliability or a power quality problem; or
 - f) The interconnection equipment used by the distributed generation facility is delisted by the Nationally Recognized Testing Laboratory that provided the listing at the time the interconnection was approved.
- 7) **Indemnification.** The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, and agents from all damages and expenses resulting from any third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement. The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all damages and expenses

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resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement.

- 8) **Insurance.** The interconnection customer shall provide the EDC with proof that it has a current homeowner's insurance policy, or other general liability policy, and, when possible, the interconnection customer shall name the EDC as an additional insured on its homeowner's insurance policy, or similar policy covering general liability.
- 9) **Limitation of Liability.** Each Party's liability to the other Party for any loss, cost, claim, injury, liability, or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this Agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either Party be liable to the other Party for any indirect, incidental, special, consequential, or punitive damages of any kind whatsoever.
- 10) **Termination.** This Agreement may be terminated under the following conditions:
 - a) By interconnection customer – The interconnection customer may terminate this interconnection agreement by providing written notice to the EDC. If the interconnection customer ceases operation of the distributed generation facility, the interconnection customer must notify the EDC
 - b) By the EDC – The EDC may terminate this Agreement if the interconnection customer fails to remedy a violation of terms of this Agreement within 30 calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the 30 calendar day remedy period. The termination date may be no less than 30 calendar days after the interconnection customer receives notice of its violation from the EDC.
- 11) **Modification of Distributed Generation Facility.** The interconnection customer must receive written authorization from the EDC before making any changes to the distributed generation facility that could affect the EDC's distribution system. If the interconnection customer makes such modifications without the EDC's prior written authorization, the EDC shall have the right to disconnect the distributed generation facility.
- 12) **Permanent Disconnection.** In the event the Agreement is terminated, the EDC shall have the right to disconnect its facilities or direct the interconnection customer to disconnect its distributed generation facility.

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- 13) **Disputes.** Each Party agrees to attempt to resolve all disputes regarding the provisions of this agreement that cannot be resolved between the two Parties pursuant to the dispute resolution provisions found in 83 Ill. Adm. Code 466.130.
- 14) **Governing Law, Regulatory Authority, and Rules.** The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois. Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.
- 15) **Survival Rights.** This Agreement shall remain in effect after termination to the extent necessary to allow or require either Party to fulfill rights or obligations that arose under the Agreement.
- 16) **Assignment/Transfer of Ownership of the Distributed Generation Facility.** This Agreement shall terminate upon the transfer of ownership of the distributed generation facility to a new owner unless the transferring owner assigns the agreement to the new owner, the new owner agrees in writing to the terms of this agreement, and the transferring owner so notifies the EDC in writing prior to the transfer of ownership.
- 17) **Definitions.** Any term used herein and not defined shall have the same meaning as the defined terms used in 83 Ill. Adm. Code 466 (the Illinois Distributed Generation Interconnection Standard).
- 18) **Notice.** The Parties may mutually agree to provide notices, demands, comments, or requests by electronic means such as e-mail. Absent agreement to electronic communication, or unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

If to Interconnection Customer:

Use the contact information provided in the interconnection customer's application. The interconnection customer is responsible for notifying the EDC of any change in the contact party information, including change of ownership.

If to EDC:

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Use the contact information provided below. The EDC is responsible for notifying the interconnection customer of any change in the contact party information.

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

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Section 466.APPENDIX B Certificate of Completion

**Certificate of Completion
(To be completed and returned to the EDC when installation is complete
and final electric inspector approval has been obtained¹)**

Interconnection Customer Information

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____

Installer

Check if owner-installed

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____

Final Electric Inspection and Interconnection Customer Signature

The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the

¹ Prior to interconnected operation, the interconnection customer is required to complete this form and return it to the EDC. Use contact information provided on the EDC's web page for generator interconnection to obtain mailing address/fax number/e-mail address.

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distributed generation facility until receipt of the final acceptance and approval by the EDC as provided below.

Signed: _____ Date: _____
(Signature of interconnection customer)

Printed Name: _____

Check if copy of signed electric inspection form is attached

Check if copy of as built documents is attached (projects larger than 10 kVA only)

.....

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Acceptance and Final Approval for Interconnection (for EDC use only)

The interconnection agreement is approved and the distributed generation facility is approved for interconnected operation upon the signing and return of this Certificate of Completion by EDC:

Electric Distribution Company waives Witness Test? (Initial) Yes (____) No (____)

If not waived, date of successful Witness Test: _____ Passed: (Initial)_____

EDC Signature: _____ Date: _____

Printed Name: _____ Title: _____

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Section 466.APPENDIX C Levels 2 to 4 Application

**Level 2, Level 3 & Level 4
Interconnection Request Application Form
(Greater than 10 kVA to 10 MVA or less)**

Interconnection Customer Contact Information

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (if different from Customer Contact Information)

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

Facility Address (if different from above): _____

City: _____ State: _____ Zip Code: _____

Electric Distribution Company (EDC) Serving Facility Site: _____

Electric Supplier (if different from EDC):

Account Number of Facility Site (existing EDC customers): _____

Inverter Manufacturer: _____ Model: _____

Equipment Contractor

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Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if different from Equipment Contractor)

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

License Number: _____

Electric Service Information for Customer Facility Where Generator Will Be Interconnected

Capacity: _____ (Amps) Voltage: _____ (Volts)

Type of Service: Single Phase Three Phase

If 3 Phase Transformer, Indicate Type:

Primary Winding Wye Delta

Secondary Winding Wye Delta

Transformer Size: _____ Impedance: _____

Intent of Generation

Offset Load (Unit will operate in parallel, but will not export power to EDC)

Net Meter (Unit will operate in parallel and will export power pursuant to Illinois Net Metering or other filed tariffs)

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- Wholesale Market Transaction (Unit will operate in parallel and participate in PJM or MISO markets pursuant to a PJM Wholesale Market Participation Agreement or MISO equivalent)
- Back-up Generation (Units that temporarily operate in parallel with the electric distribution system for more than 100 milliseconds)

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

Generator & Prime Mover Information

ENERGY SOURCE (Hydro, Wind, Solar, Process Byproduct, Biomass, Oil, Natural Gas, Coal, etc.):		
ENERGY CONVERTER TYPE (Wind Turbine, Photovoltaic Cell, Fuel Cell, Steam Turbine, etc.):		
GENERATOR SIZE: <input type="checkbox"/> kW or <input type="checkbox"/> kVA	NUMBER OF UNITS:	TOTAL CAPACITY: <input type="checkbox"/> kW or <input type="checkbox"/> kVA
GENERATOR TYPE (Check one): <input type="checkbox"/> Induction <input type="checkbox"/> Inverter <input type="checkbox"/> Synchronous <input type="checkbox"/> Other _____		

Requested Procedure Under Which to Evaluate Interconnection Request¹

Please indicate below which review procedure applies to the interconnection request. The review procedure used is subject to confirmation by the EDC.

- Level 2** – Lab-certified interconnection equipment with an aggregate electric nameplate capacity less than or equal to 2 MVA. Lab-certified is defined in Section 466.30. (Application fee is \$100 plus \$1.00 per kVA.)
- Level 3** – Distributed generation facility does not export power. Nameplate capacity rating is less than or equal to 50 kVA if connecting to area network or less than or equal to 10 MVA if connecting to a radial distribution feeder. (Application fee amount is \$500 plus \$2.00 per kVA.)

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Level 4 – Nameplate capacity rating is less than or equal to 10 MVA and the distributed generation facility does not qualify for a Level 1, Level 2 or Level 3 review, or the distributed generation facility has been reviewed but not approved under a Level 1, Level 2 or Level 3 review. (Application fee amount is \$1,000 plus \$2.00 per kVA, to be applied toward any subsequent studies related to this application.)

¹ **Note:** Descriptions for interconnection review categories do not list all criteria that must be satisfied. For a complete list of criteria, please refer to 83 Ill. Adm. Code 466, Electric Interconnection of Distributed Generation Facilities.

Distributed Generation Facility Information

Commissioning Date: _____

List interconnection components/systems to be used in the distributed generation facility that are lab-certified.

Component/System	NRTL Providing Label & Listing
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Please provide copies of manufacturer brochures or technical specifications.

Energy Production Equipment/Inverter Information:

Synchronous Induction Inverter Other _____

Rating: _____ kW Rating: _____ kVA

Rated Voltage: _____ Volts

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Rated Current: _____ Amps

System Type Tested (Total System): Yes No; attach product literature**For Synchronous Machines:****Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.**

Manufacturer: _____

Model No.: _____ Version No.: _____

Submit copies of the Saturation Curve and the Vee Curve

 Salient Non-Salient

Torque: _____ lb/ft Rated RPM: _____ Field Amperes: _____ at rated generator voltage and current and _____ % PF over-excited

Type of Exciter: _____

Output Power of Exciter: _____

Type of Voltage Regulator: _____ Locked Rotor

Current: _____ Amps Synchronous Speed: _____ RPM

Winding Connection: _____ Min. Operating Freq./Time: _____

Generator Connection: Delta Wye Wye Grounded

Direct-axis Synchronous Reactance: (Xd) _____ ohms

Direct-axis Transient Reactance: (X'd) _____ ohms

Direct-axis Sub-transient Reactance: (X''d) _____ ohms

Negative Sequence Reactance: _____ ohms

Zero Sequence Reactance: _____ ohms

Neutral Impedance or Grounding Resister (if any): _____ ohms

For Induction Machines:

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Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.

Manufacturer: _____
 Model No.: _____ Version No.: _____
 Locked Rotor Current: _____ Amps
 Rotor Resistance (Rr): _____ ohms Exciting Current: _____ Amps
 Rotor Reactance (Xr): _____ ohms Reactive Power Required: _____
 Magnetizing Reactance (Xm): _____ ohms _____ VARs (No Load)
 Stator Resistance (Rs): _____ ohms _____ VARs (Full Load)
 Stator Reactance (Xs): _____ ohms
 Short Circuit Reactance (X"d): _____ ohms
 Phases: Single Three Phase
 Frame Size: _____ Design Letter: _____ Temp. Rise: _____ °C.

Reverse Power Relay Information (Level 3 Review Only)

Manufacturer: _____
 Relay Type: _____ Model Number: _____
 Reverse Power Setting: _____
 Reverse Power Time Delay (if any): _____

Additional Information For Inverter-Based Facilities**Inverter Information:**

Manufacturer: _____ Model: _____
 Type: Forced Commutated Line Commutated
 Rated Output: _____ Watts _____ Volts
 Efficiency: _____ % Power Factor: _____ %

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Inverter UL 1741 Listed: Yes No

DC Source / Prime Mover:

Rating: _____ kW Rating: _____ kVA

Rated Voltage: _____ Volts

Open Circuit Voltage (if applicable): _____ Volts

Rated Current: _____ Amps

Short Circuit Current (if applicable): _____ Amps

Other Facility Information:

One Line Diagram attached: Yes

Plot Plan attached: Yes

Customer Signature

I hereby certify that all of the information provided in this Interconnection Request Application Form is true.

Applicant Signature: _____

Title: _____ Date: _____

An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

Amount: _____

EDC Acknowledgement

Receipt of the application fee is acknowledged and this interconnection request is complete.

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EDC Signature: _____ Date: _____

Printed Name: _____ Title: _____

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Section 466.APPENDIX D Levels 2 to 4 Contract**STANDARD AGREEMENT FOR INTERCONNECTION
OF DISTRIBUTED GENERATION FACILITIES WITH A
CAPACITY LESS THAN OR EQUAL TO 10 MVA**

This agreement ("Agreement") is made and entered into this _____ day of _____, by and between _____ ("interconnection customer"), as an individual person, or as a _____ organized and existing under the laws of the State of _____ and _____, ("Electric Distribution Company" (EDC)), a _____ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party," or collectively as the "Parties."

Recitals:

Whereas, interconnection customer is proposing to install or direct the installation of a distributed generation facility, or is proposing a generating capacity addition to an existing distributed generation facility, consistent with the interconnection request application form completed by interconnection customer on _____; and

Whereas, the interconnection customer will operate and maintain, or cause the operation and maintenance of, the distributed generation facility; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system.

Now, therefore, in consideration of the premises and mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved interconnection requests for distributed generation facilities that fall under Levels 2, 3 and 4 according to the procedures set forth in Part 466 of the Commission's rules (83 Ill. Adm. Code 466) (referred to as the Illinois Distributed Generation Interconnection Standard).

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- 1.2 This Agreement governs the terms and conditions under which the distributed generation facility will interconnect to, and operate in parallel with, the EDC's electric distribution system.
- 1.3 This Agreement does not constitute an agreement to purchase or deliver the interconnection customer's power.
- 1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.
- 1.5 Terms used in this agreement are defined as in Section 466.30 of the Illinois Distributed Generation Interconnection Standard unless otherwise noted.
- 1.6 Responsibilities of the Parties
 - 1.6.1 The Parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.
 - 1.6.2 The EDC shall construct, own, operate, and maintain its interconnection facilities in accordance with this Agreement.
 - 1.6.3 The interconnection customer shall construct, own, operate, and maintain its distributed generation facility and interconnection facilities in accordance with this Agreement.
 - 1.6.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for, the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair and condition of its respective lines and appurtenances on its respective sides of the point of interconnection.
 - 1.6.5 The interconnection customer agrees to design, install, maintain and operate its distributed generation facility so as to minimize the likelihood of causing an adverse system impact on the electric distribution system or any other electric system that is not owned or operated by the EDC.
- 1.7 Parallel Operation Obligations

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Once the distributed generation facility has been authorized to commence parallel operation, the interconnection customer shall abide by all operating procedures established in IEEE Standard 1547 and any other applicable laws, statutes or guidelines, including those specified in Attachment 4 of this Agreement.

1.8 Metering

The interconnection customer shall be responsible for the cost to purchase, install, operate, maintain, test, repair, and replace metering and data acquisition equipment specified in Attachments 5 and 6 of this Agreement.

1.9 Reactive Power

1.9.1 Interconnection customers with a distributed generation facility larger than or equal to 1 MVA shall design their distributed generation facilities to maintain a power factor at the point of interconnection between .95 lagging and .95 leading at all times. Interconnection customers with a distributed generation facility smaller than 1 MVA shall design their distributed generation facility to maintain a power factor at the point of interconnection between .90 lagging and .90 leading at all times.

1.9.2 Any EDC requirements for meeting a specific voltage or specific reactive power schedule as a condition for interconnection shall be clearly specified in Attachment 4. Under no circumstance shall the EDC's additional requirements for voltage or reactive power schedules exceed the normal operating capabilities of the distributed generation facility.

1.9.3 If the interconnection customer does not operate the distributed generation facility within the power factor range specified in Attachment 4, or does not operate the distributed generation facility in accordance with a voltage or reactive power schedule specified in Attachment 4, the interconnection customer is in default, and the terms of Article 6.5 apply.

1.10 Standards of Operations

The interconnection customer must obtain all certifications, permits, licenses and approvals necessary to construct, operate and maintain the facility and to perform its obligations under this Agreement. The interconnection customer is responsible for coordinating and synchronizing the distributed generation facility with the EDC's system. The interconnection customer is responsible for any damage that is caused by the interconnection customer's failure to coordinate or synchronize the distributed generation

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facility with the electric distribution system. The interconnection customer agrees to be primarily liable for any damages resulting from the continued operation of the distributed generation facility after the EDC ceases to energize the line section to which the distributed generation facility is connected. In Attachment 4, the EDC shall specify the shortest reclose time setting for its protection equipment that could affect the distributed generation facility. The EDC shall notify the interconnection customer at least 10 business days prior to adopting a faster reclose time on any automatic protective equipment, such as a circuit breaker or line recloser, that might affect the distributed generation facility.

Article 2. Inspection, Testing, Authorization, and Right of Access**2.1 Equipment Testing and Inspection**

The interconnection customer shall test and inspect its distributed generation facility including the interconnection equipment prior to interconnection in accordance with IEEE Standard 1547 (2003) and IEEE Standard 1547.1 (2005). The interconnection customer shall not operate its distributed generation facility in parallel with the EDC's electric distribution system without prior written authorization by the EDC as provided for in Articles 2.1.1-2.1.3.

2.1.1 The EDC shall perform a witness test after construction of the distributed generation facility is completed, but before parallel operation, unless the EDC specifically waives the witness test. The interconnection customer shall provide the EDC at least 15 business days notice of the planned commissioning test for the distributed generation facility. If the EDC performs a witness test at a time that is not concurrent with the commissioning test, it shall contact the interconnection customer to schedule the witness test at a mutually agreeable time within 10 business days after the scheduled commissioning test designated on the application. If the EDC does not perform the witness test within 10 business days after the commissioning test, the witness test is deemed waived unless the Parties mutually agree to extend the date for scheduling the witness test, or unless the EDC cannot do so for good cause, in which case, the Parties shall agree to another date for scheduling the test within 10 business days after the original scheduled date. If the witness test is not acceptable to the EDC, the interconnection customer has 30 business days to address and resolve any deficiencies. This time period may be extended upon agreement between the EDC and the interconnection customer. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the EDC, the applicable cure provisions of Article 6.5 shall apply. The interconnection customer shall, if requested by the

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EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 If the interconnection customer conducts interim testing of the distributed generation facility prior to the witness test, the interconnection customer shall obtain permission from the EDC before each occurrence of operating the distributed generation facility in parallel with the electric distribution system. The EDC may, at its own expense, send qualified personnel to the distributed generation facility to observe such interim testing, but it cannot mandate that these tests be considered in the final witness test. The EDC is not required to observe the interim testing or precluded from requiring the tests be repeated at the final witness test.

2.1.3 After the distributed generation facility passes the witness test, the EDC shall affix an authorized signature to the certificate of completion and return it to the interconnection customer approving the interconnection and authorizing parallel operation. The authorization shall not be conditioned or delayed.

2.2 Commercial Operation

The interconnection customer shall not operate the distributed generation facility, except for interim testing as provided in Article 2.1, until such time as the certificate of completion is signed by all Parties.

2.3 Right of Access

The EDC must have access to the disconnect switch and metering equipment of the distributed generation facility at all times. When practical, the EDC shall provide notice to the customer prior to using its right of access.

Article 3. Effective Date, Term, Termination, and Disconnection

3.1 Effective Date

This Agreement shall become effective upon execution by all Parties.

3.2 Term of Agreement

This Agreement shall become effective on the effective date and shall remain in effect unless terminated in accordance with Article 3.3 of this Agreement.

3.3 Termination

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- 3.3.1 The interconnection customer may terminate this Agreement at any time by giving the EDC 30 calendar days prior written notice.
- 3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.
- 3.3.3 The EDC may terminate, upon 60 calendar days' prior written notice, for failure of the interconnection customer to complete construction of the distributed generation facility within 12 months after the in-service date as specified by the Parties in Attachment 2, which may be extended by agreement between the Parties.
- 3.3.4 The EDC may terminate this Agreement, upon 60 calendar days' prior written notice, if the interconnection customer has abandoned, cancelled, permanently disconnected or stopped development, construction, or operation of the distributed generation facility, or if the interconnection customer fails to operate the distributed generation facility in parallel with the EDC's electric system for three consecutive years.
- 3.3.5 Upon termination of this Agreement, the distributed generation facility will be disconnected from the EDC's electric distribution system. Terminating this Agreement does not relieve either Party of its liabilities and obligations that are owed or continuing when the Agreement is terminated.
- 3.3.6 If the Agreement is terminated, the interconnection customer loses its position in the interconnection queue.
- 3.4 Temporary Disconnection
A Party may temporarily disconnect the distributed generation facility from the electric distribution system in the event one or more of the following conditions or events occurs:
- 3.4.1 Emergency conditions – shall mean any condition or situation: (1) that in the judgment of the Party making the claim is likely to endanger life or property; or (2) that the EDC determines is likely to cause an adverse system impact, or is likely to have a material adverse effect on the EDC's electric distribution system, interconnection facilities or other facilities, or is likely to interrupt or materially interfere with the provision of electric utility service to other customers; or (3) that is likely to cause a material adverse effect on the distributed generation facility or the interconnection equipment. Under emergency conditions, the EDC or the interconnection customer may suspend interconnection service and

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temporarily disconnect the distributed generation facility from the electric distribution system. The EDC must notify the interconnection customer when it becomes aware of any conditions that might affect the interconnection customer's operation of the distributed generation facility. The interconnection customer shall notify the EDC when it becomes aware of any condition that might affect the EDC's electric distribution system. To the extent information is known, the notification shall describe the condition, the extent of the damage or deficiency, the expected effect on the operation of both Parties' facilities and operations, its anticipated duration, and the necessary corrective action.

- 3.4.2 Scheduled maintenance, construction, or repair – the EDC may interrupt interconnection service or curtail the output of the distributed generation facility and temporarily disconnect the distributed generation facility from the EDC's electric distribution system when necessary for scheduled maintenance, construction, or repairs on EDC's electric distribution system. To the extent possible, the EDC shall provide the interconnection customer with notice five business days before an interruption. The EDC shall coordinate the reduction or temporary disconnection with the interconnection customer; however, the interconnection customer is responsible for out-of-pocket costs incurred by the EDC for deferring or rescheduling maintenance, construction or repair at the interconnection customer's request.
- 3.4.3 Forced outages – The EDC may suspend interconnection service to repair the EDC's electric distribution system. The EDC shall provide the interconnection customer with prior notice, if possible. If prior notice is not possible, the EDC shall, upon written request, provide the interconnection customer with written documentation, after the fact, explaining the circumstances of the disconnection.
- 3.4.4 Adverse system impact – the EDC must provide the interconnection customer with written notice of its intention to disconnect the distributed generation facility, if the EDC determines that operation of the distributed generation facility creates an adverse system impact. The documentation that supports the EDC's decision to disconnect must be provided to the interconnection customer. The EDC may disconnect the distributed generation facility if, after receipt of the notice, the interconnection customer fails to remedy the adverse system impact, unless emergency conditions exist, in which case, the provisions of Article 3.4.1 apply. The EDC may continue to leave the generating facility disconnected until the adverse system impact is corrected.

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- 3.4.5 Modification of the distributed generation facility – The interconnection customer must receive written authorization from the EDC prior to making any change to the distributed generation facility, other than a minor equipment modification. If the interconnection customer modifies its facility without the EDC's prior written authorization, the EDC has the right to disconnect the distributed generation facility until such time as the EDC concludes the modification poses no threat to the safety or reliability of its electric distribution system.
- 3.4.6 The EDC is not responsible for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service under Article 3.

Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades

4.1 Interconnection Facilities

- 4.1.1 The interconnection customer shall pay for the cost of the interconnection facilities itemized in Attachment 3. The EDC shall identify the additional interconnection facilities necessary to interconnect the distributed generation facility with the EDC's electric distribution system, the cost of those facilities, and the time required to build and install those facilities, as well as an estimated date of completion of the building or installation of those facilities.
- 4.1.2 The interconnection customer is responsible for its expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its interconnection equipment.

4.2 Distribution Upgrades

The EDC shall design, procure, construct, install, and own any distribution upgrades. The actual cost of the distribution upgrades, including overheads, shall be directly assigned to the interconnection customer whose distributed generation facility caused the need for the distribution upgrades.

Article 5. Billing, Payment, Milestones, and Financial Security

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under a Level 2 review and Level 4 reviews)

- 5.1.1 The EDC shall bill the interconnection customer for the design, engineering, construction, and procurement costs of EDC-provided interconnection facilities

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and distribution upgrades contemplated by this Agreement as set forth in Attachment 3. The billing shall occur on a monthly basis, or as otherwise agreed to between the Parties. The interconnection customer shall pay each bill within 30 calendar days after receipt, or as otherwise agreed to between the Parties.

- 5.1.2 Within 90 calendar days after completing the construction and installation of the EDC's interconnection facilities and distribution upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and distribution upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for the interconnection facilities and distribution upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall make payment to the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. Upon request from the interconnection customer, if the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference.
- 5.1.3 If a Party disputes any portion of its payment obligation pursuant to this Article 5, the Party shall pay in a timely manner all non-disputed portions of its invoice, and the disputed amount shall be resolved pursuant to the dispute resolution provisions contained in Article 8. A Party disputing a portion of an Article 5 payment shall not be considered to be in default of its obligations under this Article.
- 5.2 Interconnection Customer Deposit
- At least 20 business days prior to the commencement of the design, procurement, installation, or construction of the EDC's interconnection facilities and distribution upgrades, the interconnection customer shall provide the EDC with a deposit equal to 100% of the estimated, non-binding cost to procure, install, or construct any such facilities. However, when the estimated date of completion of the building or installation of facilities exceeds three months from the date of notification, pursuant to Article 4.1.1

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of this Agreement, this deposit may be held in escrow by a mutually agreed-upon third-party, with any interest to inure to the benefit of the interconnection customer.

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default**6.1 Assignment**

This Agreement may be assigned by either Party. If the interconnection customer attempts to assign this Agreement, the assignee must agree to the terms of this Agreement in writing and such writing must be provided to the EDC. Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason of the assignment. An assignee is responsible for meeting the same obligations as the assignor.

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (including mergers, consolidations, or transfers, or a sale of a substantial portion of the Party's assets, between the Party and another entity), of the assigning Party that has an equal or greater credit rating and the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement.

6.1.2 The interconnection customer can assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the distributed generation facility.

6.2 Limitation on Damages

Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages and reasonable attorney's fees, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

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- 6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.
- 6.3.2 The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, and agents, from all damages and expenses resulting from a third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement.
- 6.3.3 The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement.
- 6.3.4 Within 5 business days after receipt by an indemnified Party of any claim or notice that an action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply has commenced, the indemnified Party shall notify the indemnifying Party of such fact. The failure to notify, or a delay in notification, shall not affect a Party's indemnification obligation unless that failure or delay is materially prejudicial to the indemnifying Party.
- 6.3.5 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, that indemnified Party may, at the expense of the indemnifying Party, contest, settle or consent to the entry of any judgment with respect to, or pay in full, the claim.
- 6.3.6 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of the indemnified Party's actual loss, net of any insurance or other recovery.
- 6.4 Force Majeure

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- 6.4.1 As used in this Article, a force majeure event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing by the Party claiming force majeure.
- 6.4.2 If a force majeure event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the force majeure event ("Affected Party") shall notify the other Party of the existence of the force majeure event within one business day. The notification must specify the circumstances of the force majeure event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance. If the initial notification is verbal, it must be followed up with a written notification within one business day. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the force majeure event until the event ends. The Affected Party may suspend or modify its obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the force majeure event cannot be otherwise mitigated.
- 6.5 Default
- 6.5.1 No default shall exist when the failure to discharge an obligation (other than the payment of money) results from a force majeure event as defined in this Agreement, or the result of an act or omission of the other Party.
- 6.5.2 A Party shall be in default ("Default") of this Agreement if it fails in any material respect to comply with, observe or perform, or defaults in the performance of, any covenant or obligation under this Agreement and fails to cure the failure within 60 calendar days after receiving written notice from the other Party. Upon a default of this Agreement, the non-defaulting Party shall give written notice of the default to the defaulting Party. Except as provided in Article 6.5.3, the defaulting Party has 60 calendar days after receipt of the default notice to cure the default; provided, however, if the default cannot be cured within 60 calendar days, the defaulting Party shall commence the cure within 20 calendar days after original notice and complete the cure within six months from receipt of the default notice;

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and, if cured within that time, the default specified in the notice shall cease to exist.

- 6.5.3 If a Party has assigned this Agreement in a manner that is not specifically authorized by Article 6.1, fails to provide reasonable access pursuant to Article 2.3, and is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party has 30 days from receipt of the default notice to cure the default.
- 6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for in this Article, the non-defaulting Party shall have the right to terminate this Agreement by written notice, and be relieved of any further obligation under this Agreement and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due under this Agreement, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article shall survive termination of this Agreement.

Article 7. Insurance

For distributed generation facilities with a nameplate capacity of 1 MVA or above, the interconnection customer shall carry sufficient insurance coverage so that the maximum comprehensive/general liability coverage that is continuously maintained by the interconnection customer during the term shall be not less than \$2,000,000 for each occurrence, and an aggregate, if any, of at least \$4,000,000. The EDC, its officers, employees and agents shall be added as an additional insured on this policy. The interconnection customer agrees to provide the EDC with at least 30 calendar days advance written notice of cancellation, reduction in limits, or non-renewal of any insurance policy required by this Article.

Article 8. Dispute Resolution

- 8.1 Parties shall attempt to resolve all disputes regarding interconnection as provided in this Article in a good faith manner.
- 8.2 If there is a dispute between the Parties about an interpretation of the Agreement, the aggrieved Party shall issue a written notice to the other Party to the agreement that specifies the dispute and the Agreement articles that are disputed.

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- 8.3 A meeting between the Parties shall be held within ten days after receipt of the written notice. Persons with decision-making authority from each Party shall attend the meeting. If the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the meeting. The meeting may be conducted by teleconference.
- 8.4 After the first meeting, each Party may seek resolution through complaint or mediation procedures available at the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution shall be conducted in a manner designed to minimize costs and delay. Dispute resolution may be conducted by phone.
- 8.5 Pursuit of dispute resolution may not affect an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.
- 8.6 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

Article 9. Miscellaneous

- 9.1 **Governing Law, Regulatory Authority, and Rules**
The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois, without regard to its conflicts of law principles. This Agreement is subject to all applicable laws and regulations. Each Party expressly reserves the right to seek change in, appeal, or otherwise contest any laws, orders or regulations of a governmental authority. The language in all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against the EDC or interconnection customer, regardless of the involvement of either Party in drafting this Agreement.
- 9.2 **Amendment**
Modification of this Agreement shall be only by a written instrument duly executed by both Parties.
- 9.3 **No Third-Party Beneficiaries**
This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other

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than the Parties, and the obligations in this Agreement assumed are solely for the use and benefit of the Parties, their successors in interest and, where permitted, their assigns.

9.4 Waiver

9.4.1 Except as otherwise provided in this Agreement, a Party's compliance with any obligation, covenant, agreement, or condition in this Agreement may be waived by the Party entitled to the benefits thereof only by a written instrument signed by the Party granting the waiver, but the waiver or failure to insist upon strict compliance with the obligation, covenant, agreement, or condition shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

9.4.2. Failure of any Party to enforce or insist upon compliance with any of the terms or conditions of this Agreement, or to give notice or declare this Agreement or the rights under this Agreement terminated, shall not constitute a waiver or relinquishment of any rights set out in this Agreement, but the same shall be and remain at all times in full force and effect, unless and only to the extent expressly set forth in a written document signed by that Party granting the waiver or relinquishing any such rights. Any waiver granted, or relinquishment of any right, by a Party shall not operate as a relinquishment of any other rights or a waiver of any other failure of the Party granted the waiver to comply with any obligation, covenant, agreement, or condition of this Agreement.

9.5 Entire Agreement

Except as provided in Article 9.1, this Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts

This Agreement may be executed in two or more counterparts, each of which is deemed an original, but all constitute one and the same instrument.

9.7 No Partnership

This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties, or to impose any

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partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability

If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority, (1) that portion or provision shall be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by the ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases

Each Party shall notify the other Party of the release of any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the distributed generation facility or the interconnection facilities, each of which may reasonably be expected to affect the other Party. The notifying Party shall (1) provide the notice as soon as practicable, provided that Party makes a good faith effort to provide the notice no later than 24 hours after that Party becomes aware of the occurrence, and (2) promptly furnish to the other Party copies of any publicly available reports filed with any governmental authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from using the services of any subcontractor it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing services and each Party shall remain primarily liable to the other Party for the performance of the subcontractor.

9.10.1 A subcontract relationship does not relieve any Party of any of its obligations under this Agreement. The hiring Party remains responsible to the other Party for the acts or omissions of its subcontractor. Any applicable obligation imposed by this Agreement upon the hiring Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of the hiring Party.

9.10.2 The obligations under this Article cannot be limited in any way by any limitation of subcontractor's insurance.

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Article 10. Notices

10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

If to Interconnection Customer:

Interconnection Customer: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-Mail: _____

If to EDC:

EDC: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-Mail: _____

Alternative Forms of Notice

Any notice or request required or permitted to be given by either Party to the other Party and not required by this Agreement to be in writing may be given by telephone, facsimile or e-mail to the telephone numbers and e-mail addresses set out above.

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set out below:

If to Interconnection Customer:

Interconnection Customer: _____

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Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

If to EDC:

EDC: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

10.3 Designated Operating Representative

The Parties may also designate operating representatives to conduct the communications that may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

Interconnection Customer's Operating Representative: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

EDC's Operating Representative: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

10.4 Changes to the Notice Information

Either Party may change this notice information by giving five business days written notice before the effective date of the change.

Article 11. Signatures

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IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

For the Interconnection Customer:

Name: _____

Title: _____

Date: _____

For EDC:

Name: _____

Title: _____

Date: _____

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Attachment 1**Definitions**

Adverse system impact – A negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

Applicable laws and regulations – All duly promulgated applicable federal, State and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any governmental authority, having jurisdiction over the Parties.

Commissioning test – Tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified IEEE Standard 1547 Section 5.4 "Commissioning tests."

Distributed generation facility – The equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or a local electric power system.

Distribution upgrades – A required addition or modification to the EDC's electric distribution system at or beyond the point of interconnection to accommodate the interconnection of a distributed generation facility. Distribution upgrades do not include interconnection facilities.

Electric distribution company or EDC – Any electric utility entity subject to the jurisdiction of the Illinois Commerce Commission.

Electric distribution system – The facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally carry less than 100 kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in 3.1.6.1 of IEEE Standard 1547.

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Facilities study – An engineering study conducted by the EDC to determine the required modifications to the EDC's electric distribution system, including the cost and the time required to build and install the modifications, as necessary to accommodate an interconnection request.

Force majeure event – Any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing.

Governmental authority – Any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that this term does not include the interconnection customer, EDC or any affiliate of either.

IEEE Standard 1547 – The Institute of Electrical and Electronics Engineers, Inc. (IEEE), 3 Park Avenue, New York NY 10016-5997, Standard 1547 (2003), "Standard for Interconnecting Distributed Resources with Electric Power Systems."

IEEE Standard 1547.1 – The IEEE Standard 1547.1 (2005), "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems."

Interconnection agreement or Agreement – The agreement between the interconnection customer and the EDC. The interconnection agreement governs the connection of the distributed generation facility to the EDC's electric distribution system and the ongoing operation of the distributed generation facility after it is connected to the EDC's electric distribution system.

Interconnection customer – The entity entering into this Agreement for the purpose of interconnecting a distributed generation facility to the EDC's electric distribution system.

Interconnection equipment – A group of components or an integrated system connecting an electric generator with a local electric power system or an electric distribution system that includes all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

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Interconnection facilities – Facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities, and equipment between the distributed generation facility and the point of interconnection, including modification, additions, or upgrades that are necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

Interconnection request – An interconnection customer's request, on the required form, for the interconnection of a new distributed generation facility, or to increase the capacity or change the operating characteristics of an existing distributed generation facility that is interconnected with the EDC's electric distribution system.

Interconnection study – Any of the following studies, as determined to be appropriate by the EDC: the interconnection feasibility study, the interconnection system impact study, and the interconnection facilities study.

Illinois standard distributed generation interconnection rules – The most current version of the procedures for interconnecting distributed generation facilities adopted by the Illinois Commerce Commission. See 83 Ill. Adm. Code 466.

Parallel operation or Parallel – The state of operation that occurs when a distributed generation facility is connected electrically to the electric distribution system.

Point of interconnection – The point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in 3.1.13 of IEEE Standard 1547.

Witness test – For lab-certified equipment, verification (either by an on-site observation or review of documents) by the EDC that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been adequately performed. For interconnection equipment that has not been lab-certified, the witness test shall also include verification by the EDC of the on-site design tests required by IEEE Standard 1547 Section 5.1 and verification by the EDC of production tests required by IEEE Standard 1547 Section 5.2. All tests verified by the EDC are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

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Attachment 2**Construction Schedule, Proposed Equipment & Settings**

This attachment is to be completed by the interconnection customer and shall include the following:

1. The construction schedule for the distributed generation facility.
2. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, metering equipment, and distribution upgrades.
3. Component specifications for equipment identified in the one-line diagram.
4. Component settings.
5. Proposed sequence of operations.
6. A three line diagram showing current potential circuits for protective relays.
7. Relay tripping and control schematic diagram.

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Attachment 3**Description, Costs and Time Required to Build and
Install the EDC's Interconnection Facilities**

This attachment is to be completed by the EDC and shall include the following:

1. Required interconnection facilities, including any required metering.
2. An estimate of itemized costs charged by the EDC for interconnection, including overheads, based on results from prior studies.
3. An estimate for the time required to build and install the EDC's interconnection facilities based on results from prior studies and an estimate of the date upon which the facilities will be completed.

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Attachment 4

Operating Requirements for Distributed Generation Facilities Operating in Parallel

The EDC shall list specific operating practices that apply to this distributed generation interconnection and the conditions under which each listed specific operating practice applies.

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Attachment 5

Monitoring and Control Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The EDC's monitoring and control requirements must be specified, along with a reference to the EDC's written requirements documents from which these requirements are derived.
2. An internet link to the requirements documents.

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Attachment 6

Metering Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The metering requirements for the distributed generation facility.
2. Identification of the appropriate tariffs that establish these requirements.
3. An internet link to these tariffs.

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Attachment 7**As Built Documents**

This attachment is to be completed by the interconnection customer and shall include the following:

When it returns the certificate of completion to the EDC, the interconnection customer shall provide the EDC with documents detailing the as-built status of the following:

1. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, and metering equipment.
2. Component specifications for equipment identified in the one-line diagram.
3. Component settings.
4. Proposed sequence of operations.
5. A three-line diagram showing current potential circuits for protective relays.
6. Relay tripping and control schematic diagram.

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Section 466.APPENDIX E Interconnection Feasibility Study Agreement**Interconnection Feasibility Study Agreement**

This agreement ("Agreement") is made and entered into this _____ day of _____ by and between _____ ("interconnection customer"), as an individual person, or as a _____ organized and existing under the laws of the State of _____, and _____ ("Electric Distribution Company" (EDC)), a _____ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying to an existing distributed generation facility consistent with the interconnection request application form submitted by interconnection customer on _____ (Date); and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

Whereas, interconnection customer has requested EDC to perform an interconnection feasibility study to assess the feasibility of interconnecting the proposed distributed generation facility to EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. Interconnection customer elects and EDC shall cause to be performed an interconnection feasibility study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.
3. The scope of the interconnection feasibility study shall be based upon the information set forth in the interconnection request application form and Attachment A to this Agreement.

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4. The interconnection feasibility study shall be based on the technical information provided by interconnection customer in the interconnection request application form, as modified with the agreement of the Parties. EDC has the right to request additional technical information from interconnection customer during the course of the interconnection feasibility study. If the interconnection customer modifies its interconnection request, the time to complete the interconnection feasibility study may be extended by the EDC.
5. In performing the study, EDC shall rely on existing studies of recent vintage to the extent practical. The interconnection customer will not be charged for such existing studies; however, interconnection customer is responsible for the cost of applying any existing study to the interconnection customer specific requirements and for any new study that the EDC performs.
6. The interconnection feasibility study report must provide the following information:
 - 6.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection,
 - 6.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection, and
 - 6.3 A description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC's electric distribution system as required under Section 466.120(e)(1).
7. Interconnection customer shall provide a study deposit equal to 100% of the estimated non-binding study costs at least 20 business days prior to the date upon which the study commences.
8. The interconnection feasibility study shall be completed and the results shall be transmitted to interconnection customer within 25 business days after this Agreement is signed by the Parties.
9. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice must include an itemized listing of employee time and costs expended on the study.

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- 10. Interconnection customer shall pay any actual study costs that exceed the deposit without interest within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount without interest within 30 calendar days after the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: _____

Name (Printed): _____ Title: _____

[Insert name of EDC]

Signed: _____

Name (Printed): _____ Title: _____

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**Attachment A to Interconnection System Impact Study Agreement
Assumptions Used in Conducting the Interconnection System Impact Study**

The interconnection feasibility study will be based upon the information in the interconnection request application form and agreed upon on _____ :
Date

- 1. Point of interconnection and configuration to be studied.

- 2. Alternative points of interconnection and configurations to be studied.

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.

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Section 466.APPENDIX F Interconnection System Impact Study Agreement**Interconnection System Impact Study Agreement**

This agreement ("Agreement") is made and entered into this _____ day of _____ by and between _____ ("interconnection customer"), as an individual person, or as a _____ organized and existing under the laws of the State of _____, and _____ ("Electric Distribution Company" (EDC)), a _____ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on _____ (Date); and

Whereas, interconnection customer desires to interconnect the distributed generation facility to EDC's electric distribution system; and

Whereas, EDC has completed an interconnection feasibility study and provided the results of said study to interconnection customer (this recital to be omitted if the Parties have agreed to forego the interconnection feasibility study); and

Whereas, interconnection customer has requested EDC to perform an interconnection system impact study to assess the impact of interconnecting the distributed generation facility to EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. Interconnection customer elects and EDC shall cause to be performed an interconnection system impact study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.

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3. The scope of the interconnection system impact study shall be based upon the information set forth in the interconnection request application form and in Attachment A to this Agreement.
4. The interconnection system impact study shall be based upon the interconnection feasibility study and the technical information provided by interconnection customer in the interconnection request application form. EDC reserves the right to request additional technical information from interconnection customer. If interconnection customer modifies its proposed point of interconnection, interconnection request, or the technical information provided therein is modified, the time to complete the interconnection system impact study may be extended.
5. The interconnection system impact study report shall provide the following information:
 - 5.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection,
 - 5.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection,
 - 5.3 Identification of any instability or inadequately damped response to system disturbances resulting from the interconnection, and
 - 5.4 Description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC's electric distribution system and to address the identified short circuit, thermal overload, voltage and instability issues as required under Section 466.120(e)(2).
6. Interconnection customer shall provide a study deposit equal to 100% of the estimated non-binding study costs at least 20 business days prior to the date upon which the study commences.
7. The interconnection system impact study, if required, shall be completed and the results transmitted to interconnection customer within 25 business days after this Agreement is signed by the Parties.

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- 8. Study fees shall be based on actual costs and shall be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.
- 9. Interconnection customer shall pay any study costs that exceed the deposit within 30 calendar days after receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days of the invoice.

In witness thereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: _____

Name (Printed): _____ Title: _____

[Insert name of EDC]

Signed: _____

Name (Printed): _____ Title: _____

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Attachment A to Interconnection System Impact Study Agreement

Assumptions Used in Conducting the Interconnection System Impact Study

The interconnection system impact study shall be based upon the results of the interconnection feasibility study, subject to any modifications in accordance with Section 466.120 of the Illinois Distributed Generation Interconnection Standard, and the following assumptions:

- 1. Point of interconnection and configuration to be studied.

- 2. Alternative Points of interconnection and configurations to be studied.

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.

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Section 466.APPENDIX G Interconnection Facilities Study Agreement**Interconnection Facilities Study Agreement**

This agreement ("Agreement") is made and entered into this _____ day of _____ by and between _____ ("interconnection customer"), as an individual person, or as a _____ organized and existing under the laws of the State of _____, and _____ ("Electric Distribution Company" (EDC)), a _____ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on _____ (Date); and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

Whereas, EDC has completed an interconnection system impact study and provided the results of said study to interconnection customer; and

Whereas, interconnection customer has requested EDC to perform an interconnection facilities study to specify and estimate the cost of the equipment, engineering, procurement and construction work needed to interconnect the distributed generation facility;

Now, therefore, in consideration of and subject to the mutual covenants contained in this Agreement, the Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.
2. Interconnection customer elects and EDC shall cause an interconnection facilities study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.

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- 3. The scope of the interconnection facilities study shall be determined by the information provided in Attachment A to this Agreement.
- 4. An interconnection facilities study report (1) shall provide a description, estimated cost of distribution upgrades, and a schedule for required facilities to interconnect the distributed generation facility to EDC's electric distribution system; and (2) shall address all issues identified in the interconnection system impact study (or identified in this study if the system impact study is combined herein).
- 5. Interconnection customer shall provide a study deposit of 100% of the estimated non-binding study costs at least 20 business days prior to the date upon which the study commences.
- 6. In cases where no distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 15 business days after this Agreement is signed by the Parties. In cases where distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 30 business days after this Agreement is signed by the Parties.
- 7. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.
- 8. Interconnection customer shall pay any actual study costs that exceed the deposit within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days after the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: _____

Name (Printed): _____ Title: _____

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[Insert name of EDC]

Signed: _____

Name (Printed): _____ Title: _____

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Attachment A to Interconnection Facilities Study Agreement

Minimum Information That Interconnection Customer Must Provide With the Interconnection Facilities Study Agreement.

Provide location plan and simplified one-line diagram of the distributed generation facilities.

For staged projects, please indicate size and location of planned additional future generation. On the one-line diagram, indicate the generation capacity attached at each metering location. (Maximum load on CT/PT).

On the one-line diagram, indicate the location of auxiliary power. (Minimum load on CT/PT) Amps.

One set of metering is required for each generation connection to the EDC's electric distribution system.

Number of generation connections: _____

Will an alternate source of auxiliary power be available during CT/PT maintenance?

Yes No

Will a transfer bus on the generation side of the metering require that each meter set be designed for the total distributed generation capacity?

Yes No (Please indicate on the one-line diagram).

What type of control system or PLC will be located at the distributed generation facility?

What protocol does the control system or PLC use? _____

Please provide a scale drawing of the site. Indicate the point of common coupling, distribution line, and property lines.

Number of third party easements required for EDC's interconnection facilities: _____

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To be completed in coordination with EDC.

Is the distributed generation facility located in EDC's service area?

Yes No

If No, please provide name of local provider:

Please provide the following proposed schedule dates:

Begin construction date: _____

Generator step-up transformers receive back feed power date: _____

Generation testing date: _____

Commercial operation date: _____

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- 1) Heading of the Part: Notice Requirements for Subcontractor's Identification for Water and Sewer Utilities
- 2) Code Citation: 83 Ill. Adm. Code 602
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
602.10	New Section
602.20	New Section
602.30	New Section
602.40	New Section
602.50	New Section
602.60	New Section
602.70	New Section
602.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing Section 8-306(1) and authorized by Sections 10-101 and 5-202 of the Public Utilities Act [220 ILCS 5/8-306(1), 10-101, and 5-202]
- 5) Effective Date of Rules: September 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 2857; February 29, 2008
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were required.
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any rules pending on this Part? No

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- 15) Summary and Purpose of Rules: Public Act 94-950 added Section 8-306 to the Public Utilities Act. This new Section lists special provisions of the Public Utilities Act that are applicable to water and sewer utilities. Section 8-306(l) of the Act states:

Water and sewer public utilities; subcontractors. The Commission shall adopt rules for water and sewer public utilities to provide notice to the customers of the proper kind of identification that a subcontractor must present to the customer, to prohibit a subcontractor from soliciting or receiving payment of any kind for any service provided by the water or sewer public utility or the subcontractor, and to establish sanctions for violations.

These rules establish the notice requirements, prohibit the solicitation and receipt of payment, and establish sanctions.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER UTILITIESPART 602
NOTICE REQUIREMENTS FOR SUBTRACTOR'S IDENTIFICATION
FOR WATER AND SEWER UTILITIES

Section	
602.10	Applicability
602.20	Definitions
602.30	Notice to Customers
602.40	Identification Requirements
602.50	Notice of Work Authorization Requirements
602.60	Records
602.70	Sanctions
602.EXHIBIT A	Notice of Work Authorization

AUTHORITY: Implementing Section 8-306(l) and authorized by Sections 10-101 and 5-202 of the Public Utilities Act [220 ILCS 5/8-306(l), 10-101, and 5-202].

SOURCE: Adopted at 32 Ill. Reg. 14602, effective September 1, 2008.

Section 602.10 Applicability

This Part applies to any public utility, as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], that provides water service or disposal of sewage.

Section 602.20 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Office of the public utility" means and includes only those offices maintained by the public utility for the purpose of the public transacting business with the public utility. It does not mean or include places of business maintained primarily for another purpose, such as stores, banks, offices or organizations other than the public utility, where arrangements may have been made for the receipt of payments of bills due to the public utility or for the receipt of requests for service or for the transaction of other incidental business relating to the public utility, and

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

it does not include a public utility office maintained primarily for operation purposes or rendering utility services to the public.

"Subcontractor" means any contractor, subcontractor, agent, individual or other entity that provide a services under contract or other payment arrangement to a public utility for the performance of services related to the physical infrastructure of the public water or sewer utility. Employees of the public utility are not subcontractors. For purposes of this Part, "subcontractor" excludes any contractor, subcontractor, agent, individual or other entity that makes contact with the customer by telephone, in writing, or through any means other than by personal contact.

Section 602.30 Notice to Customers

Notice to customers of the obligations of subcontractors for presenting proper identification when contacting customers.

- a) Notice to the public. The public utility shall post in two public and conspicuous places in each office of the public utility a notice not less than seven by ten inches in size printed in black on a white background, reading substantially as follows:

PUBLIC NOTICE

No subcontractor of this public utility is authorized to contact any customer for the purpose of soliciting or receiving payment of any kind for any service provided by this utility. Employees of this utility shall carry proper identification and unilaterally present such identification to each customer when initiating contact with that customer. While subcontractors are not authorized to contact customers to solicit payment for services, whenever a subcontractor contacts a customer for any other purpose, the subcontractor is required to carry proper identification and unilaterally to present that identification to customers.

An employee of this public utility will assist any person that has questions about this notice.

- b) Written notice

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- 1) By March 1 of each year, each water or sewer public utility shall provide written notice of required identification of subcontractors and utility employees to each of its customers. This written notice may be included with the customer's billing for utility services. The written notice shall detail the information to be contained in the identification of each employee of the water or sewer public utility that is authorized to contact customers for the purpose of soliciting or accepting payment for services provided. The written notice shall detail the information to be contained in the identification of subcontractors and further notify customers that subcontractors are not authorized to contact customers for the purpose of soliciting or accepting payment for services that are provided by the utility. The written notice shall also inform the customers that notice is posted in the utility's office and that an employee of the public utility is available for assisting customers in understanding the contents of the notice.
- 2) At the time each new customer is accepted for service, the utility shall provide the customer written notice of required identification of employees of the public utility and subcontractors. This written notice shall contain the information that is required by subsection (b)(1).

Section 602.40 Identification Requirements

Each public utility shall include in any contract or agreement with any subcontractor the requirement that any individual working on behalf of that subcontractor shall present picture identification when visiting a customer's home or place of business. Upon arrival at a customer's home or place of business, any subcontractor performing work shall immediately show to the customer, if the customer is on the premises, identification that states the name of the individual performing the work and that contains the individual's picture.

Section 602.50 Notice of Work Authorization Requirements

Upon arrival at a customer's home or place of business, any subcontractor performing work shall immediately show to the customer a Notice of Work Authorization containing the following information:

- a) The Notice of Work Authorization shall contain in 12-point boldface type on the face of the document a statement that the contracting utility has authorized the subcontractor to perform work on the utility's behalf.

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- b) The Notice of Work Authorization shall be printed in 12-point black type and shall contain language that identifies:
- 1) The customer's billing name and address;
 - 2) The name of the contracting utility, including the utility's customer service contact information;
 - 3) The name of the subcontracting company that is authorized to perform the work;
 - 4) The description of the service to be provided to the customer, including the purpose of the subcontractor's visit; e.g., inspection, repair, test;
 - 5) The Illinois Commerce Commission's Consumer Services Division contact information, including telephone number and web address, business location and hours of operation;
 - 6) A statement in 12-point boldface type that no payment is to be given to the subcontractor. If any portion of the charge for the service provided by the subcontractor will ultimately be billed to the customer, the Notice of Work Authorization shall inform the customer that he/she will receive a separate bill from the utility; and
 - 7) The statutory citation and text of the law prohibiting payment to the subcontractor providing the service on behalf of the customer's utility.
- c) If any portion of the Notice of Work Authorization is written in a language other than English, then all portions of the Notice of Work Authorization shall be written in that language.
- d) The Notice of Work Authorization shall not be combined with inducements or promotional material of any kind.

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- e) A copy of the Notice of Work Authorization shall be left with the customer.
- f) The Notice of Work Authorization shall take substantially the form found in Exhibit A of this Part.

Section 602.60 Records

- a) Each public utility shall retain a paper or electronic record of the written notice that is to be provided by March 1 of each year and the date on which the written notice was made.
- b) Each public utility shall retain a paper or electronic record that identifies each new customer and the date on which each new customer was notified in writing of his or her right to see proper identification.
- c) Each public utility shall retain a paper or electronic record of each contract or other agreement with each subcontractor that provides for the requirement that any individual working on behalf of that subcontractor shall present picture identification when visiting a customer's home or place of business.

Section 602.70 Sanctions

Upon complaint or upon its own motion the Commission may find that a public utility has not met the requirements or standards established in this Part. Upon such a finding, the Commission may pursue any penalties, including, but not limited to, injunctive relief, that are within the authority granted to it under the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 602.EXHIBIT A Notice of Work Authorization

UTILITY LOGO

UTILITY ADDRESS and CONTACT INFORMATION

NOTICE OF WORK AUTHORIZATION FOR CUSTOMERS

This is to inform you that _____ (EMPLOYEE NAME) **of** _____ (CONTRACTOR NAME) **has been engaged by** _____ (UTILITY NAME) **to perform** _____ (DESCRIPTION OF SERVICES) **at** _____ (CUSTOMER NAME) **at** _____ (CUSTOMER ADDRESS) **on** _____ (DATE) .

All utility or contractor employees performing services at a customer's home or place of business must present picture identification upon arrival. **Pursuant to Section 8-306(1) of the Illinois Public Utilities Act, employees of** _____ (CONTRACTOR NAME) **are not authorized to solicit payment for these services, or on the behalf of** _____ (UTILITY NAME) . If any portion of the charges for the services performed today is to be billed to you, you will be sent a separate bill from your utility.

If you have any questions related to this activity, please contact us at _____ (UTILITY'S CUSTOMER SERVICE NUMBER) . A copy of these notice requirements, and applicable legal provisions, is posted in our office and on our website at _____ (UTILITY WEBSITE) .

This notice is provided in compliance with rules established by the Illinois Commerce Commission in 83 Ill. Adm. Code 602. For additional information about Commission rules, you may contact Commission Staff at:

Illinois Commerce Commission
Consumer Services Division
527 East Capitol,
Springfield, Illinois 62701
www.icc.illinois.gov/consumer
1-800-524-0795 (Monday through Friday, 8:30 a.m. to 5:00 p.m.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Number: 140.80

Date Originally Published in the Illinois Register: 7/11/08
32 Ill. Reg. 10480

At its meeting on August 19, 2008, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services adopting the emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 32 Ill. Reg. 10480) prior to enactment of SB 2857. HFS had no statutory authority for the emergency rule at the time it was adopted.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Emergency Medical Services and Trauma Center Code

Code Citation: 77 Ill. Adm. Code 515

Section Number: 515.380

Date Originally Published in the Illinois Register: 9/21/07
31 Ill. Reg. 13322

At its meeting on August 19, 2008, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department of Public Health be more timely in updating its rules to reflect statutory changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 19, 2008 through August 25, 2008 and have been scheduled for review by the Committee at its September 16, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/2/08	<u>Chief Procurement Officer for Public Institutions of Higher Education</u> , Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education (44 Ill. Adm. Code 526)	6/27/08 32 Ill. Reg. 9101	9/16/08
10/2/08	<u>Illinois Commerce Commission</u> , Certification of Alternative Retail Electric Suppliers (83 Ill. Adm. Code 451)	4/4/08 32 Ill. Reg. 4479	9/16/08
10/2/08	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	4/18/08 32 Ill. Reg. 6344	9/16/08
10/2/08	<u>Department of Central Management Services</u> , State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)	4/25/08 32 Ill. Reg. 6840	9/16/08
10/5/08	<u>State Board of Elections</u> , Registration of Voters (26 Ill. Adm. Code 216)	6/27/08 32 Ill. Reg. 9124	9/16/08

PROCLAMATIONS

2008-327**Chamber of Commerce Week**

- WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms, encourage new businesses and individuals to invest locally, and act as liaisons with government and the larger business community; and
- WHEREAS, Illinois is home to international chambers of commerce, the Great Lakes Regional Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 455 local chambers of commerce; and
- WHEREAS, this year marks the 89th anniversary of the Illinois Chamber of Commerce, which represents businesses throughout the state; and
- WHEREAS, this year also marks the 93rd anniversary of the Illinois Association of Chamber of Commerce Executives (IACCE), a career development organization for chamber of commerce professionals; and
- WHEREAS, during the week of September 8-12, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards ceremonies and other promotional events in order to raise awareness of their involvement in the local economy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 8-12, 2008 as **CHAMBER OF COMMERCE WEEK** in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well-being of their communities.

Issued by the Governor August 15, 2008

Filed by the Secretary of State August 22, 2008

2008-328**Peace Days**

- WHEREAS, Peace Day has been celebrated annually in Chicago, Illinois since September 7, 1978 through the observance of One Minute of Silence for World Peace; and
- WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed as one of global cease-fire and non-violence from every country across the globe; and

PROCLAMATIONS

WHEREAS, the day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21 of every year as an International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and

WHEREAS, these events encourage all individuals to take a minute for peace every day as a positive step toward making every day Peace Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 7-21, 2008 as **PEACE DAYS** in Illinois, and encourage all citizens to share in One Minute of Silence for World Peace during this period as part of a sincere effort to build a more peaceful state, a more peaceful county, and a more peaceful world.

Issued by the Governor August 18, 2008

Filed by the Secretary of State August 22, 2008

2008-329**Prostate Cancer Awareness Month**

WHEREAS, prostate cancer is the most commonly diagnosed non-skin cancer in men in the United States. One in six males are at risk of developing prostate cancer during their lifetime, and this year, approximately 8,300 men in Illinois will learn that they have prostate cancer; and

WHEREAS, sadly, prostate cancer is the second leading cause of cancer death among men in Illinois, exceeded only by lung cancer, and an estimated 1,300 men in Illinois will lose their lives to this disease in 2008; and

PROCLAMATIONS

WHEREAS, it is known that about one third of prostate cancer diagnoses occur among men under the age of 65 during their prime work years, and at any age prostate cancer devastates families through loss of income, partnership, and support; and

WHEREAS, additionally, African-American men in the United States are disproportionately affected by the disease. African-Americans have the highest incidence of prostate cancer in the world, and as a result, they are twice as likely to die of the disease than other men; and

WHEREAS, the good news is that awareness and early diagnosis and treatment of prostate cancer can reduce the risk of prostate cancer mortality:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **PROSTATE CANCER AWARENESS MONTH** in Illinois to raise awareness about prostate cancer, and to urge all men, especially those over the age of 50, to speak with their physicians about the risks and appropriate screening.

Issued by the Governor August 18, 2008

Filed by the Secretary of State August 22, 2008.

2008-330**Illinois Archives Month**

WHEREAS, Illinois has a long, proud history that is documented in records that go back before statehood; and

WHEREAS, these documents and records are housed in archives established by state and local governments, religious and medical institutions, colleges and universities, historical societies, libraries, museums, businesses, corporations, and families in order to preserve them so that future generations of Illinoisans may accurately study the past, learn from the experiences of their predecessors, trace their ancestors, and understand their relationship to both time and place; and

WHEREAS, these records have been administered and made accessible by dedicated, yet often unheralded volunteers, trained caretakers, and professional archivists; and

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve; and

PROCLAMATIONS

WHEREAS, the Society of American Archivists supports an annual observance of Archives Month that serves as a unifying effort to promote archives and the work of archivists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **ILLINOIS ARCHIVES MONTH** in recognition of all the volunteers, caretakers, and archivists who maintain our valuable archival institutions and historical resources.

Issued by the Governor August 18, 2008

Filed by the Secretary of State August 22, 2008.

2008-331**National Cyber Security Awareness Month**

WHEREAS, today the Internet provides access to a wealth of information and services throughout the world; and

WHEREAS, many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing finances, conducting research, enhancing education and conducting business; and

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, health care, and emergency response systems; and

WHEREAS, despite the many wonderful advantages and benefits of the Internet, it also poses many significant dangers and threats. The Internet is used by many predators to prey on our children and steal our identity; and

WHEREAS, Internet users and our information infrastructure face an increasing threat of malicious attack by viruses and loss of privacy from spyware and adware; and

WHEREAS, each year there are significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, that is why we must take great precautions when using the Internet. By using web browser privacy features and common sense practices, we can minimize the risks and help protect our children and ourselves; and

PROCLAMATIONS

WHEREAS, National Cyber Security Awareness Month was launched for the purpose of encouraging and empowering Americans, businesses, government, and schools to improve their Internet security; and

WHEREAS, the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Cyber Security Alliance (NCSA), and the United States Department of Homeland Security will promote National Cyber Security Awareness Month once again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **NATIONAL CYBER SECURITY AWARENESS MONTH** in Illinois in support of the campaign by MS-ISAC, NCSA, and Homeland Security to raise awareness about Internet security.

Issued by the Governor August 19, 2008

Filed by the Secretary of State August 22, 2008

2008-332**Metastatic Breast Cancer Awareness Day**

WHEREAS, the possibility of recurrence and spread of breast cancer stays with those who have been affected by the disease; and

WHEREAS, metastatic breast disease is breast cancer that has come back and made its way through the bloodstream and spread to other organs of the body, such as the bones, liver, brain, or lungs; and

WHEREAS, metastatic breast disease can go in and out of remission, be active sometimes and not others, or move quickly; and

WHEREAS, metastatic breast cancer frequently involves trying one treatment after another; and

WHEREAS, there are many effective treatments for a local or regional recurrence of breast cancer, with the goal of extending life as long as possible with the best quality of life possible; and

WHEREAS, more research still needs to be done into developing new and more effective treatments for metastatic breast cancer; and

PROCLAMATIONS

WHEREAS, there are many persons who continue to live long, productive lives with breast cancer and metastatic breast cancer; and

WHEREAS, being aware of the information, support, treatments and coping methods available can help those living with the disease, as well as friends and family members, through a potentially overwhelming and very difficult time:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 13, 2008 as **METASTATIC BREAST CANCER AWARENESS DAY** in Illinois in order to raise awareness of this disease.

Issued by the Governor August 19, 2008

Filed by the Secretary of State August 22, 2008.

2008-333**Paralegal Day**

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,700 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals and is celebrating its 36th anniversary this year; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 5, 2008 as **PARALEGAL DAY** in Illinois as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

PROCLAMATIONS

Issued by the Governor August 19, 2008
Filed by the Secretary of State August 22, 2008

2008-334**Cpl. James Hale**

WHEREAS, on Wednesday, August 13, Army Corporal James Hale, formerly of Naperville, died at age 23 of injuries sustained when an improvised explosive device detonated near his vehicle in Baghdad, Iraq, where Cpl. Hale was serving in support of Operation Iraqi Freedom; and

WHEREAS, Cpl. Hale played football at Naperville Central High School, a school he attended for three years before moving with his family to Ohio; and

WHEREAS, assigned to the 978th Military Police Company, 93rd Military Police Battalion based at Fort Bliss, Texas, Cpl. Hale was on his second tour of duty in Iraq; and

WHEREAS, a funeral will be held on Thursday, August 21 for Cpl. Hale, who is survived by his wife Jessica, and three children - Jaden, 4, Jessie, 2, and Jordyn, 5 weeks:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on August 20, 2008 until sunset on August 22, 2008 in honor and remembrance of Cpl. Hale, whose selfless service and sacrifice is an inspiration.

Issued by the Governor August 20, 2008
Filed by the Secretary of State August 22, 2008.

2008-335**Chiari Malformation Awareness Month**

WHEREAS, Chiari malformations (CMs) are defects in the cerebellum, the part of the brain that controls balance, that create pressure on the cerebellum and brainstem which may block the flow of cerebrospinal fluid to and from the brain; and

WHEREAS, Chiari malformations affect approximately 300,000 people in the United States; and

WHEREAS, the condition was first identified by German pathologist Professor Hans Chiari in the 1890's. Professor Chiari categorized CMs in order of severity: types I, II, III, and IV; and

PROCLAMATIONS

WHEREAS, the exact cause of Chiari malformations are unknown, but scientists believe it is either a congenital condition caused by exposure to harmful substances during fetal development or that it could be a genetic condition, as it sometimes appears in more than one member of a family; and

WHEREAS, symptoms usually appear during adolescence or early adulthood and can include severe head and neck pain, vertigo, muscle weakness, balance problems, blurred or double vision, difficulty swallowing and sleep apnea; and

WHEREAS, the only treatment for this debilitating condition is management of symptoms and/or brain surgery; and

WHEREAS, the National Institute of Neurological Disorders and Stroke of the National Institutes of Health is conducting research to find alternative surgical options and identify the cause of CMs in order to create improved treatment and prevention plans; and

WHEREAS, Conquer Chiari is a nonprofit organization dedicated to improving the experiences and outcomes of Chiari patients through education, awareness and research; and

WHEREAS, on September 20, Conquer Chiari is holding the inaugural Conquer Chiari Walk Across America in cities across the country to increase awareness and raise money to fund much-needed research:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **CHIARI MALFORMATION AWARENESS MONTH** in Illinois, to raise awareness of this debilitating condition and in support of the efforts of Conquer Chiari.

Issued by the Governor August 20, 2008

Filed by the Secretary of State August 22, 2008

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