

2003

ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



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Index Department
Administrative Code Div.
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Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July	11, 2003: Data through	June	30, 2003 (2nd Quarter)
Issue 41 - October	10, 2003: Data through	September	29, 2003 (3rd Quarter)
Issue 2 - January	9, 2004: Data through	December	29, 2003 (Annual)
Issue 15 - April	00, 2004: Data through	March	31, 2004 (1stQuarter)

Editor’s Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor’s Note3:

To: All State Agencies – Springfield Area
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will

consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State's Style Manual and 1 Ill. Adm. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: [All State Agencies in the **Chicago Area**](#)
From: [Secretary of State](#)
[Department of Index](#)
[Administrative Code Division](#)

[Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area "How can I help you?" Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.](#)

Workshop Schedule and Signup Sheet on following page:

**Secretary of State
Department of Index
Administrative Code Division**
SPRINGFIELD AREA - Workshop Schedule and Signup Sheet

~~Springfield~~ July 23, 2003

~~Number Attending~~

~~Topics:~~

- ~~• Proposed Rulemaking~~
 - ~~○ Regulatory Agenda~~
 - ~~○ 1st Notice Proposed~~
 - ~~○ 2nd Notice JCAR Approval~~
 - ~~○ Final Notice Adopted~~

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to: Springfield Workshops

Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Illinois State Library
300 S. Second St.
Rm. 403-404
Springfield, IL 62701
8:30am – 12:00pm

If you have any question please call (217) 782-6537.

**Secretary of State
Department of Index
Administrative Code Division**
CHICAGO AREA - Workshop Schedule and Signup Sheet

CHICAGO — July 30, 2003

**Number
Attending**

Topics

- ~~Miscellaneous Information~~
 - ~~Emergency Rules~~
 - ~~Second Notices~~
 - ~~Executive Orders/Proclamations~~
 - ~~Regulatory Agenda~~
 - ~~Other Notices~~
- ~~Checklists~~
- ~~Proposed Rulemaking~~
 - ~~Regulatory Agenda~~
 - ~~1st Notice Proposed~~
 - ~~2nd Notice JCAR Approval~~
- ~~Final Notice Adopted~~

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to:
Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756

Chicago Workshops
Thompson Center Rm 9040
100 West Randolph
Chicago, IL

Fax Number: (217) 524-0308

If you have any question please call (217) 782-6537.

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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

2003 REGISTER SCHEDULE VOLUME # 27

<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>	<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
Issue 12	March 10, 2003	March 21, 2003	Issue 49	November 24, 2003	December 05, 2003
Issue 13	March 17, 2003	March 28, 2003	Issue 50	December 01, 2003	December 12, 2003
Issue 14	March 24, 2003	April 04, 2003	Issue 51	December 08, 2003	December 19, 2003
Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
Issue 20	May 05, 2003	May 16, 2003			
Issue 21	May 12, 2003	May 23, 2003			
Issue 22	May 19, 2003	May 30, 2003			
Issue 23	May 27, 2003	June 06, 2003			
Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 07, 2003			
Issue 28	June 30, 2003	July 11, 2003			
Issue 29	July 07, 2003	July 18, 2003			
Issue 30	July 14, 2003	July 25, 2003			
Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

Printed by authority of the State of Illinois
July 2001 - 675 - GA -82

CARNIVAL AND AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
6000.80	Amendment
6000.85	New
- 4) Statutory Authority: 430 ILCS 85/2-6
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will implement action taken by the Carnival-Amusement Safety Board at their January 17, 2003 meeting. These amendments will establish minimum acceptance criteria for insurance companies affording coverage to operators of amusement rides and amusement attractions. This should provide the operators with a measure of assurance that the company affording has the financial stability to cover any claim that may be filed.
- 6) Will this proposed rule replace an emergency rule currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date: No
- 8) Does this amendment contain incorporations by reference: No
- 9) Are there any other amendments pending on the Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
6000.10	Amendment	27 Ill. Reg. 11328 07/25/2003
6000.300	Repealed	27 Ill. Reg. 11328 07/25/2003
6000.302	New	27 Ill. Reg. 11328 07/25/2003
6000.305	New	27 Ill. Reg. 11328 07/25/2003
6000.308	New	27 Ill. Reg. 11328 07/25/2003
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge any state mandate.
- 11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking; Public hearings will be held as follows:

August 28, 2003
Thursday, 9:00 AM

CARNIVAL AND AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Labor Office
#1 West Old State Capitol Plaza
3rd Floor
Springfield, Illinois 62703

Written comments may be submitted to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, 3rd Floor
Springfield, Illinois 62701
Telephone: (217) 782-9347

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: While a very small number of operators may experience a higher initial cost, they will be assured that the company affording the coverage has the financial stability to cover any claim that is filed against them.
 - 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 2003

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

CARNIVAL AND AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARDPART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.85	Requirements For Liability Insurance, Bond or Deposit of Security
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies, and All-Terrain Vehicles
6000.310	Water Slides (Repealed)

CARNIVAL AND AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6000.320 Dry Type Slides
6000.330 Trams
6000.340 Bungee Jumping

Authority: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85]

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days, emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days, emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992; for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 6000.80 Insurance

No person shall operate an amusement ride or amusement attraction unless there is in force:

- b) A current liability insurance policy, or policies, with coverage in amounts at least as great as those required by Section 2-14 of the Act. Proof of insurance shall be a certificate of insurance issued by the insurer and filed with the Carnival and Amusement Ride Inspection Division of the Department of Labor; or
- c) A bond in like amount, as set forth in Section 2-14 of the Act; or
- d) A deposit with the board of cash or other security acceptable to the Chairman.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security.

CARNIVAL AND AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Liability Insurance:

- 1) Proof of insurance shall be a copy of the policy, or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the with the Department's Carnival and Amusement Ride Inspection Division.
- 2) The company or companies affording coverage shall have a current Best's rating of "B" or better and a current Best's financial class of "V" or better.
- 3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.

b) Bonds:

- 1) The bonding company shall have:
 - A) A current Best's rating of "B" or better and a current Best's financial class of "V" or better.
 - B) A duly issued license in the State of Illinois by the Department of Insurance.
- 2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the Illinois Department of Insurance.
- 3) The bond shall be in effect for a minimum of three (3) years or until any pending litigation has been finalized.

c) Deposit of cash or other security

- 1) The acceptability of any deposit of cash or other security shall be determined by the Chairman of the Carnival-Amusement Safety Board with agreement from a majority of the Board and the Director.
- 2) The deposit(s) shall be held, interest free, by the Department for a minimum of three (3) years or until any pending litigation has been finalized.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 415
- 3) Section Numbers: Proposed Action:

415.10	Amendment
415.430	Amendment
415.4261	Repeal
415.9302	Repeal
- 4) Statutory Authority: Implementing Sections 5-102, 5-103, and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted 83 Ill. Adm. Code 415, "Uniform System of Accounts for Electric Utilities", as its system of accounts for those electric utilities under its jurisdiction. Part 415 incorporates by reference 18 CFR 101 with certain specified additions and deletions. The purpose in amending Part 415 is to incorporate 18 CFR 101 as of June 1, 2003. The current Part 415 incorporates 18 CFR 101 as of April 1, 1998. This proposed amendment of the Part recognizes recent changes to the federal rules adopted by the Federal Energy Regulatory Commission (FERC). The proposed amendments also clarify Electric Plant Instruction 3(17) regarding Allowance for Funds Used During Construction ("AFUDC") and eliminate the deviation from FERC rules regarding the recording of donations.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the Illinois

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Register in Docket 03-0429, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect any small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Accounting procedures
 - C) Types of professional skills necessary for compliance: Accounting
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 415
UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIESSUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY
REFERENCE

Section

- 415.10 Adoption of 18 CFR 101 by Reference
415.20 Adoption of 18 CFR 116 by Reference (Repealed)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section

- 415.200 Definitions
415.210 General Instruction 1
415.250 General Instruction 5
415.270 General Instruction 7 (Repealed)
415.280 General Instruction 7.1 (Repealed)
415.330 General Instruction 12 (Repealed)
415.340 General Instruction 13
415.380 General Instruction 17
415.390 General Instruction 18
415.410 General Instruction 20
415.411 General Instruction 21
415.420 Electric Plant Instruction 2 (Repealed)
415.430 Electric Plant Instruction 3
415.450 Electric Plant Instruction 5 (Repealed)
415.470 Electric Plant Instruction 7
415.500 Electric Plant Instruction 10
415.940 Income Chart of Accounts
415.970 Operation and Maintenance Expense Chart of Accounts
415.1020 Account 102 (Repealed)
415.1050 Account 105
415.1080 Account 108 (Repealed)
415.2010 Accounts 201, 202, 203, and 204
415.2070 Account 207

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

415.2110	Account 211
415.2140	Account 214
415.4118	Account 411.8
415.4119	Account 411.9
415.4160	Account 416
415.4261	Account 426.1 <u>(Repealed)</u>
415.4390	Account 439
415.5180	Account 518
415.9140	Accounts 914 and 915
415.9302	Account 930.2 <u>(Repealed)</u>
415.APPENDIX G	Operation and Maintenance Expense Accounts
415.EXHIBIT A	Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102, 5-103, and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at 12 Ill. Reg. 11710, effective July 15, 1988; amended at 18 Ill. Reg. 10692, effective July 1, 1994; amended at 18 Ill. Reg. 17996, effective December 15, 1994; amended at 22 Ill. Reg. 6647, effective April 1, 1998; amended at 23 Ill. Reg. 6647, effective February 1, 1999; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY
REFERENCE

Section 415.10 Adoption of 18 CFR 101 by Reference

The Illinois Commerce Commission (“Commission”) adopts 18 CFR 101, as of June 1, 2003 ~~April 1, 1998~~, as its uniform system of accounts for electric utilities, subject to the exceptions set forth in Section 415.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 415.430 Electric Plant Instruction 3

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

In Electric Plant Instruction 3, "Components of Construction Cost," the changes set forth in the remainder of this Section are made.

- a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."

- b) The following is added at the end of Paragraph (17)(b):

"If the balance for S (Short-term debt balances) exceeds the balance for W (Average balance in construction work in progress plus nuclear fuel in process of refinement, conversion, enrichment and fabrication), the maximum total AFUDC rate to be utilized will be the weighted average short-term debt rate. In instances where this occurs, the entire credit for AFUDC will be recorded in Account 432, Allowance for borrowed funds used during construction – credit."

- cb) The following is added as Paragraph (17)(c):

"(c) All deviations from the AFUDC formula shown in Electric Plant Instruction 3(17)(a) above must have approval from the Commission before implementation. In determining whether to approve such deviations, the Commission will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula."

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 415.4261 Account 426.1 (Repealed)

~~Account 426.1, "Donations," is deleted in its entirety.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 415.9302 Account 930.2 (Repealed)

~~In Account 930.2, "Miscellaneous general expenses," the following is added as Item 13: "13. Payments for donations made for the public welfare or for charitable, scientific, religious or education purposes provided that such donations are reasonable in amount. In determining whether amounts donated are reasonable, the Commission shall consider, among other things, the historical level of contributions by a particular utility, along with the current economic viability of that utility."~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 505
- 3) Section Numbers: Proposed Action:
505.10 Amendment
505.430 Amendment
505.4261 Repeal
505.9302 Repeal
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted 83 Ill. Adm. Code 505, "Uniform System of Accounts for Gas Utilities", as its system of accounts for those gas utilities under its jurisdiction. Part 505 incorporates by reference 18 CFR 201 with certain specified additions and deletions. The purpose in amending Part 505 is to incorporate 18 CFR 201 as of June 1, 2003. The current Part 505 incorporates 18 CFR 201 as of April 1, 1998. The proposed amendments recognize recent changes to the federal rules adopted by the Federal Energy Regulatory Commission (FERC). The proposed amendments also clarify Gas Plant Instruction 3(17) regarding Allowance for Funds Used During Construction ("AFUDC") and eliminate the deviation from federal rules regarding the recording of donations.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois*

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Register in Docket 03-0430, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect any small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Accounting procedures
 - C) Types of professional skills necessary for compliance: Accounting
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 505
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIESSUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY
REFERENCE

Section

- 505.10 Adoption of 18 CFR 201 by Reference
505.20 Adoption of 18 CFR 216 by Reference (Repealed)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section

- 505.200 Definitions
505.210 General Instruction 1
505.250 General Instruction 5
505.270 General Instruction 7 (Repealed)
505.280 General Instruction 7.1 (Repealed)
505.330 General Instruction 12
505.340 General Instruction 13
505.370 General Instruction 16
505.380 General Instruction 17
505.390 General Instruction 18
505.410 General Instruction 20
505.420 Gas Plant Instruction 2 (Repealed)
505.430 Gas Plant Instruction 3
505.450 Gas Plant Instruction 5 (Repealed)
505.470 Gas Plant Instruction 7
505.500 Gas Plant Instruction 10
505.550 Gas Plant Instruction 15
505.900 Balance Sheet Chart of Accounts
505.940 Income Chart of Accounts
505.970 Operation and Maintenance Expense Chart of Accounts
505.1020 Account 102 (Repealed)
505.1030 Account 103
505.1050 Account 105

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

505.1051	Account 105.1
505.1080	Account 108 (Repealed)
505.1170	Account 117
505.1641	Account 164.1
505.1642	Account 164.2
505.1643	Account 164.3
505.1660	Account 166
505.1740	Account 174
505.2010	Accounts 201, 202, 203, and 204
505.2070	Account 207
505.2110	Account 211
505.2140	Account 214
505.2420	Account 242
505.3523	Account 352.3
505.4090	Account 409 (Reserved) (Repealed)
505.4160	Account 416
505.4261	Account 426.1 (Repealed)
505.4390	Account 439
505.4810	Account 481
505.4910	Account 491
505.4950	Account 495
505.8050	Account 805
505.8060	Account 806
505.8081	Account 808.1
505.8082	Account 808.2
505.8130	Account 813
505.8230	Account 823
505.8456	Account 845.6
505.8540	Account 854
505.8580	Account 858
505.9140	Accounts 914 and 915
505.9302	Account 930.2 (Repealed)
505.APPENDIX G	Operation and Maintenance Expense Accounts
505.EXHIBIT A	Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

adopted and codified at 8 Ill. Reg. 177, effective January 1, 1984; amended at 9 Ill. Reg. 4022, effective April 1, 1985; amended at 9 Ill. Reg. 13083, effective August 15, 1985; amended at 13 Ill. Reg. 10858, effective July 1, 1989; amended at 14 Ill. Reg. 1605, effective January 16, 1990; amended at 18 Ill. Reg. 10701, effective July 1, 1994; amended at 22 Ill. Reg. 9543, effective June 1, 1998; amended at 23 Ill. Reg. 1350, effective February 1, 1999; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS
BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of ~~June 1, 2003~~ ~~April 1, 1998~~, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Subpart B of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 505.430 Gas Plant Instruction 3

In Gas Plant Instruction 3, "Components of Construction Cost," the changes set forth in the remainder of this Section are made.

- a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."

- b) The following is added at the end of Paragraph (17)(b):

"If the balance for S (Short-term debt balances) exceeds the balance for W (Average balance in construction work in progress plus nuclear fuel in process of refinement, conversion, enrichment and fabrication), the maximum total AFUDC rate to be utilized will be the weighted average short-term debt rate. In instances where this occurs, the entire credit for AFUDC will be recorded in Account 432, Allowance for borrowed funds used during construction – credit."

- cb) The following is added as Paragraph (17)(c):

"(c) All deviations from the AFUDC formula shown in Gas Plant

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Instruction 3(17)(a) above must have approval from the Commission before implementation. In determining whether to approve such deviations, the Commission will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula.”

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 505.4261 Account 426.1 ([Repealed](#))

~~Account 426.1, “Donations,” is deleted in its entirety.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 505.9302 Account 930.2 ([Repealed](#))

~~In Account 930.2, “Miscellaneous general expenses,” the following is added as Item 13:~~

~~“13. Payments for donations made for the public welfare or for charitable, scientific, religious or education purposes provided that such donations are reasonable in amount. In determining whether amounts donated are reasonable, the Commission shall consider, among other things, the historical level of contributions by a particular utility, along with the current economic viability of that utility.”~~

(Source: Repealed at 27 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
710.50	Amendment
710.55	Amendment
710.60	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: This Part is being amended to update season dates and the list of sites open for hunting
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) 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:

Jonathan Furr, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 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

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; 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. 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April ~~12~~14 - Friday, April ~~16~~18, ~~2004~~2003
 2nd Season: Saturday, April ~~17~~19 - Thursday, April ~~22~~24, ~~2004~~2003
 3rd Season: Friday, April ~~23~~25 - Wednesday, April ~~28~~30, ~~2004~~2003
 4th Season: Thursday, ~~April 29~~May 1 - Wednesday May 5, ~~2004~~2003
 5th Season: Thursday, May ~~6~~8 - Thursday, May ~~13~~15, ~~2004~~2003

b) Southern Zone Season Dates:

1st Season: Monday, April ~~5~~7 - Friday, April ~~9~~11, ~~2004~~2003
 2nd Season: Saturday, April ~~10~~12 - Thursday, April ~~15~~17, ~~2004~~2003
 3rd Season: Friday, April ~~16~~18 - Wednesday, April ~~21~~23, ~~2004~~2003
 4th Season: Thursday, April ~~22~~24, - Wednesday, April ~~28~~30, ~~2004~~2003
 5th Season: Thursday, ~~April 29~~May 1 - Thursday, May ~~6~~8, ~~2004~~2003

c) Open Counties:

NORTHERN ZONE

Adams
 Boone
 Brown
 Bureau
 Calhoun
 Carroll
 Cass
 Champaign
 Christian
 Clark
 Coles
 Cumberland
 DeKalb
 DeWitt

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Edgar
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kankakee
Kendall
Knox
LaSalle
Lee
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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford
SOUTHERN ZONE
Alexander
Bond
Clay
Clinton
Crawford
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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Williamson

(Source: Amended at 27 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 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 1 ½ 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](#)

Midwin National Tallgrass Prairie (an additional site 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 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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) which are followed by a (1).
- 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
 - Carlyle Lake Wildlife Management Area
 - Cypress Pond State Natural Area (1)
 - Deer Pond State Natural Area (1)
 - 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) (1)
 - Franklin Creek State Park (1)
 - Giant City State Park (1)
 - Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only) (1)
 - I-24 Wildlife Management Area (1)
 - Jubilee State Park (archery only) (1)
 - Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road; a handicapped 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)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(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

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)

~~Siloam Springs State Park—Scripps Unit (bow only) (residents only) (1)~~

Sielbeck Forest State Natural Area (1)

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 \(Cecil White Unit\)](#)

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)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

[Dixon Springs State Park \(youth ages 10-15 only\) \(1\)](#)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)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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)
Horseshoe Lake State Park (Madison County) - Gabaret, Mosenthein, Chouteau Island Units
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
Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)
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](#)
~~Lake Shelbyville—Kaskaskia and Okaw Wildlife Management Areas~~
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.) (1)
Marshall Fish and Wildlife Area (1)
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)
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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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](#)
Sangamon County Conservation Area
Sanganois Conservation Area (Squirrel Timber Unit) (1)
Sangchris Lake State Park
Siloam Springs State Park (1)
Siloam Springs State Park (Buckhorn Unit) (1)
[Siloam Springs State Park \(Scripps Unit\) \(1\)](#)
[Snakeden Hollow Fish and Wildlife Area – Ives Unit \(1\)](#)
Stephen A. Forbes State Park (1)
Tapley Woods State Natural Area (1)
Ten Mile Creek Fish and Wildlife Area
Weldon Springs State Park - Piatt County Unit
Witkowsky State Wildlife Area (1)
Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 710.55 Special Hunts for Disabled Hunters

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, except as noted. Permits are only valid for the specific site and season indicated on the permit. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing.

[Dixon Springs State Park](#)

Mermet Lake State Fish and Wildlife Area

Mississippi Palisades State Park (portion of site quota designated for disabled hunters; closed during the 5th season)

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 710.60 Releasing or Stocking of Turkeys

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

No person, except employees of the Department shall release any turkeys in this State at any time. Game Breeding and Shooting Preserve Areas licensed pursuant to Section 3.27 of the Wildlife Code (~~Ill. Rev. Stat. 1991, ch. 61, par. 3.27~~)-[520 ILCS 5/3.27] may release turkeys for the purpose of put-and-take hunting only. This Section encompasses all of the various subspecies of the turkey (*Meleagris gallopavo*), which includes our native wild turkey (*Meleagris gallopavo silvestris*), the domestic barnyard turkey (*Meleagris gallopavo gallopavo*) and all crosses between any two subspecies.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates
- 2) Code Citation: 83 Ill. Adm. Code 285
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
285.110	Repealed
285.115	Repealed
285.120	Repealed
285.130	Repealed
285.140	Repealed
285.145	Repealed
285.150	Repealed
285.160	Repealed
285.170	Repealed
285.180	Repealed
285.205	Repealed
285.210	Repealed
285.310	Repealed
285.405	Repealed
285.410	Repealed
285.420	Repealed
285.510	Repealed
285.1000	Repealed
285.1005	Repealed
285.1010	Repealed
285.1015	Repealed
285.2000	Repealed
285.2005	Repealed
285.2010	Repealed
285.2015	Repealed
285.2020	Repealed
285.2025	Repealed
285.2030	Repealed
285.2035	Repealed
285.2040	Repealed
285.2045	Repealed
285.2050	Repealed
285.2055	Repealed

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285.2060	Repealed
285.2065	Repealed
285.2070	Repealed
285.2075	Repealed
285.2080	Repealed
285.2085	Repealed
285.2090	Repealed
285.2095	Repealed
285.2100	Repealed
285.2105	Repealed
285.2110	Repealed
285.2115	Repealed
285.2120	Repealed
285.2125	Repealed
285.3000	Repealed
285.3005	Repealed
285.3010	Repealed
285.3015	Repealed
285.3020	Repealed
285.3025	Repealed
285.3030	Repealed
285.3035	Repealed
285.3040	Repealed
285.3045	Repealed
285.3050	Repealed
285.3055	Repealed
285.3060	Repealed
285.3061	Repealed
285.3065	Repealed
285.3070	Repealed
285.3075	Repealed
285.3080	Repealed
285.3085	Repealed
285.3090	Repealed
285.3095	Repealed
285.3100	Repealed
285.3110	Repealed
285.3115	Repealed
285.3120	Repealed
285.3125	Repealed

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285.3130	Repealed
285.4000	Repealed
285.4001	Repealed
285.4005	Repealed
285.4010	Repealed
285.4015	Repealed
285.4020	Repealed
285.4025	Repealed
285.5000	Repealed
285.5005	Repealed
285.5010	Repealed
285.5015	Repealed
285.5020	Repealed
285.5025	Repealed
285.ILLUSTRATION A	Repealed

- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 9-201 and 10-101].
- 5) Effective Date of Repealer: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? Yes
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted repealer, 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:
08/30/2002, at 26 Ill. Reg. 12867
- 10) Has JCAR issued a Statement of Objections to this repealer? No
- 11) Difference(s) between proposal and final version:
None

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NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer?

The Commission is adopting new rules on this subject. The repealed rules predate the deregulation of the telecommunications and electric industries.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates
- 2) Code Citation: 83 Ill. Adm. Code 285
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
285.110	New Section
285.111	New Section
285.112	New Section
285.115	New Section
285.120	New Section
285.130	New Section
285.140	New Section
285.145	New Section
285.150	New Section
285.300	New Section
285.305	New Section
285.310	New Section
285.315	New Section
285.320	New Section
285.325	New Section
285.400	New Section
285.410	New Section
285.1000	New Section
285.1005	New Section
285.1010	New Section
285.1015	New Section
285.1020	New Section
285.1025	New Section
285.2000	New Section
285.2005	New Section
285.2010	New Section
285.2015	New Section
285.2020	New Section
285.2025	New Section
285.2030	New Section
285.2035	New Section
285.2040	New Section
285.2045	New Section

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285.2050	New Section
285.2055	New Section
285.2060	New Section
285.2065	New Section
285.2070	New Section
285.2075	New Section
285.2080	New Section
285.2085	New Section
285.2095	New Section
285.2100	New Section
285.2105	New Section
285.2110	New Section
285.2115	New Section
285.2200	New Section
285.3000	New Section
285.3005	New Section
285.3010	New Section
285.3015	New Section
285.3020	New Section
285.3025	New Section
285.3035	New Section
285.3040	New Section
285.3045	New Section
285.3050	New Section
285.3055	New Section
285.3060	New Section
285.3065	New Section
285.3066	New Section
285.3068	New Section
285.3070	New Section
285.3075	New Section
285.3080	New Section
285.3085	New Section
285.3090	New Section
285.3105	New Section
285.3115	New Section
285.3135	New Section
285.3140	New Section
285.3145	New Section
285.3150	New Section

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285.3155	New Section
285.3160	New Section
285.3165	New Section
285.3170	New Section
285.3175	New Section
285.3180	New Section
285.3185	New Section
285.3190	New Section
285.3215	New Section
285.3220	New Section
285.3225	New Section
285.3230	New Section
285.3235	New Section
285.3300	New Section
285.3305	New Section
285.3310	New Section
285.3400	New Section
285.3500	New Section
285.3600	New Section
285.3700	New Section
285.4000	New Section
285.4010	New Section
285.4020	New Section
285.4030	New Section
285.4040	New Section
285.4050	New Section
285.4060	New Section
285.4070	New Section
285.4080	New Section
285.4090	New Section
285.5010	New Section
285.5015	New Section
285.5020	New Section
285.5025	New Section
285.5100	New Section
285.5105	New Section
285.5110	New Section
285.5120	New Section
285.5130	New Section
285.5135	New Section

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285.5200	New Section
285.5205	New Section
285.5210	New Section
285.5215	New Section
285.5300	New Section
285.5305	New Section
285.5315	New Section
285.6000	New Section
285.6005	New Section
285.6010	New Section
285.6015	New Section
285.6020	New Section
285.6100	New Section
285.6200	New Section
285.6205	New Section
285.6210	New Section
285.6300	New Section
285.6305	New Section
285.6310	New Section
285.6315	New Section
285.6320	New Section
285.7000	New Section
285.7005	New Section
285.7010	New Section
285.7015	New Section
285.7020	New Section
285.7025	New Section
285.7030	New Section
285.7035	New Section
285.7045	New Section
285.7050	New Section
285.7055	New Section
285.7060	New Section
285.7065	New Section
285.7070	New Section
285.7075	New Section
285.APPENDIX A	New Section

- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

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NOTICE OF ADOPTED RULES

- 5) Effective Date of Rules: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office.
- 9) Notice of Proposal Published in Illinois Register:
08/30/2002, at 26 Ill. Reg. 12917
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Table of Contents: Delete "285.5005 Schedule E-1: Copy of Current Tariff Sheets"
Table of Contents: Sections 285.5010-285.5315, change designations for the Schedules; same changes in the text of the rules.
Section 285.145: Delete "Hearings and Orders" and replace with "Administrative Law Judges".
Section 285.305(b): Add "Docket number for the most" at the beginning of the subsection. Delete "Most"; replace "orders" with "order".
Section 285.310(b): Delete entire subsection.
Section 285.310(c): Replace "c" with "b".
Section 285.310(d): Replace "d" with "c"; add "For utilities with generating plants included in rate base in the test year, inventory"; delete "Inventory".
Section 285.310(e): Replace "e" with "d"; add "For utilities with generating plants included in rate base in the test year, all"; delete "All".
Section 285.310(f): Replace "f" with "e"; add "using a future test year" after "Part".

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Section 285.310(f)(3): Replace "first two years of the forecast period" with "forecasted test year".

Section 285.310(f)(6): Replace "over the forecast period" with "for the forecasted test year".

Section 285.310: Add new subsection (f).

Section 285.310: Delete subsections (g) and (h).

Section 285.315: Delete subsection (b) in its entirety. Relabel succeeding remaining subsections

Section 285.325: Delete subsection (b) in its entirety. Relabel succeeding remaining subsections.

Section 285.2110: Add "interest" before "account"; add "that is" after "account".

Section 285.3068(a): Add ", except for services provided by affiliated interests," after "services".

Section 285.3080(a): Replace "three" with "two".

Section 285.3085(a): Add "as to those expenses that the utility is seeking to recover in its proposed rates" after "case".

Section 285.3115(a): Add ", or an estimate if actual data do not exist," after "employees"; delete ", for which actual data exists,".

Section 285.3185(c): Replace "C-29" with "C-25".

Section 285.3225(a): Add ", included in rate base." after "etc.".

Section 285.4000(b): Delete "Adjustments for known and measurable changes, if made, shall not change the amount of total capital."; add "If one or more adjustments for known and measurable changes affecting capital structure are made, all other known and measurable changes that would affect capital structure shall be made as well."

Section 285.5005: Delete Section in its entirety.

Section 285.5010: Replace "E-2" with "E-1".

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Section 285.5015: Replace "E-3" with "E-2".

Section 285.5020: Replace "E-4" with "E-3".

Section 285.5025 and Section 285.5105(b): Replace "E-5" with "E-4".

Section 285.5105, Heading: Replace "E-6" with "E-5".

Section 285.5110: Replace "E-7" with "E-6".

Section 285.5110: Add ", at a minimum," after "submit".

Section 285.5110(b)(1) and (4): Add ", CD-ROM, or by e-mail" after "disk".

Section 285.5110(b)(4)(B): Add ", i.e., formulas may be hidden to prevent viewing," after "model".

Section 285.5120, Heading: Replace "E-8" with "E-7".

Section 285.5120(a) and (b): Replace "E-9" with "E-7".

Section 285.5130, Heading: Replace "E-10" with "E-8".

Section 285.5135, Heading: Replace "E-11" with "E-9".

Section 285.5200, Heading: Replace "E-6" with "E-5".

Section 285.5205, Heading: Replace "E-7" with "E-6".

Section 285.5210: Replace "E-8" with "E-7".

Section 285.5215: Replace "E-9" with "E-8".

Section 285.5300: Replace "E-6" with "E-5".

Section 285.5305: Replace "E-7" with "E-6".

Section 285.5315: Replace "E-8" with "E-7".

Section 285.6010: Add " when a utility is seeking a rate increase other than a delivery services rate increase" after "test year".

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Section 285.6015: Add "Electric utilities that own generating assets shall provide on" before "Schedule"; delete "shall contain".

Section 285.6200(a): Add "electric utilities that own generating assets shall" after "year,".

Section 285.6205(a): Add "Electric utilities that own generating assets shall provide the"; delete "Provide".

Section 285.6210(a): Add "Electric utilities that own generating assets shall provide the"; delete "Provide".

Section 285.112(e): Delete "only".

Section 285.310(f)(3): Replace "planning period" with "future test year".

Section 285.6200(a): Add "electric utilities that own generating assets shall" before "provide".

- 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 an emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules?

The repealed Part 285 was to aid the rate setting process in an era of almost complete rate of return regulation of vertically integrated utility companies. Those rules provided direction to utilities for providing a limited amount of information to be utilized in establishing rates within the context of the traditional rate case. Information to be provided was basic to developing the three major elements of revenue requirement: rate base, net income, and required return on capital.

The new Part 285 is needed to accommodate the information needs of the changing regulatory and information technology environments. The primary function of Part 285 is to provide information to identify potential issues to be expanded upon in the record. Many changes in the structure of the rate setting process, the ownership structure, and the operational structure of the utility industry have occurred since the initial adoption of Part 285. The new Part 285 will contain adequate information, considering the current rate setting process, the ownership structures, and the operational structures of utilities, to

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allow Staff of the Commission to pursue additional information, and to identify issues to be expanded upon in the record. There have been changes in the Public Utilities Act since the original adoption of Part 285, with the most significant being the addition of Articles XIII and XVI to the Act, creating the new environments for telecommunications and electric deregulation. The impact of gas transportation, mergers and corporate reorganizations, and the information technology environment are further reasons for the adoption of new rules.

- 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:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 285

STANDARD INFORMATION REQUIREMENTS FOR PUBLIC UTILITIES AND
TELECOMMUNICATIONS CARRIERS IN FILING FOR AN INCREASE IN RATES

SUBPART A: GENERAL INSTRUCTIONS

Section	
285.110	Purpose
285.111	Information to be Provided to the Chief Clerk
285.112	Disclosure and Non-disclosure of Information
285.115	Definitions
285.120	Applicability
285.130	Minimum Requirements
285.140	Waiver of Standard Information Requirements
285.145	Compliance
285.150	General Information Requirements to Be Available

SUBPART B: GENERAL INFORMATION REQUIREMENTS

Section	
285.300	Instructions
285.305	General Information Requirements Applicable for All Utilities Subject to this Part
285.310	General Information Requirements Applicable for Electric Utilities
285.315	General Information Requirements Applicable for Gas Utilities
285.320	General Information Requirements Applicable for Telecommunications Carriers Subject to this Part
285.325	General Information Requirements Applicable for Water and/or Sewer Utilities

SUBPART C: GENERAL INSTRUCTIONS FOR SCHEDULES AND WORK PAPERS

Section	
285.400	Schedules
285.410	Work Papers

SUBPART D: REVENUE AND FINANCIAL SUMMARY SCHEDULES

Section	
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285.1000	Schedule A-1: Summary of Standard Information Requirements
285.1005	Schedule A-2: Overall Financial Summary
285.1010	Schedule A-2.1: Computation of Jurisdictional Gross Revenue Conversion Factor
285.1015	Schedule A-3: Comparison of Present and Proposed Rates
285.1020	Schedule A-4: Comparison to Prior Rate Order
285.1025	Schedule A-5: Jurisdictional Allocation Summary

SUBPART E: RATE BASE SCHEDULES

Section	
285.2000	Rate Base Instructions
285.2005	Schedule B-1: Jurisdictional Rate Base Summary by ICC Account
285.2010	Schedule B-2: Summary of Utility Adjustments to Rate Base
285.2015	Schedules B-2.1, 2.2, 2.3, etc.: Detailed Adjustments to Rate Base
285.2020	Schedule B-3: Comparative Balance Sheet for Prior Three Years and the Test Year
285.2025	Schedule B-4: Summary of Adjustments to Plant in Service
285.2030	Schedule B-5: Gross Additions, Retirements, and Transfers
285.2035	Schedule B-5.1: Gains and Losses on Sales of Property
285.2040	Schedule B-5.2: Property Merged or Acquired from Other Utilities
285.2045	Schedule B-5.3: Leased Property Included in Rate Base
285.2050	Schedule B-6: Depreciation Reserve
285.2055	Schedule B-7: Construction Work in Progress
285.2060	Schedule B-7.1: Construction Work in Progress Percent Complete
285.2065	Schedule B-7.2: Allowance for Funds Used During Construction
285.2070	Schedule B-8: Cash Working Capital
285.2075	Schedule B-8.1: Materials and Supplies
285.2080	Schedule B-9: Accumulated Deferred Income Taxes
285.2085	Schedule B-9.1: Detailed Listing of Balance Sheet Assets and Liabilities
285.2095	Schedule B-10: Deferred Charges
285.2100	Schedule B-11: Property Held for Future Use Included in Rate Base
285.2105	Schedule B-12: Analysis of Activity in Property Held for Future Use
285.2110	Schedule B-13: Customer Deposits
285.2115	Schedule B-14: Budget Payment Plan Balances
285.2200	Schedule B-15: Additions to and Transfers from Customer Advances and Contributions in Aid of Construction - Water and/or Sewer Utilities

SUBPART F: OPERATING INCOME SCHEDULES

Section

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285.3000	Operating Income Instructions
285.3005	Schedule C-1: Jurisdictional Operating Income Summary
285.3010	Schedule C-2: Summary of Utility Proposed Adjustments to Operating Income
285.3015	Schedules C-2.1, 2, 3, etc.: Detailed Adjustments to Operating Income
285.3020	Schedule C-3: Sales Statistics
285.3025	Schedule C-4: Comparative Operating Income Statements for Prior Years and the Test Year
285.3035	Schedule C-5: Income Taxes
285.3040	Schedule C-5.1: Consolidated Federal Income Tax Return
285.3045	Schedule C-5.2: Deferred Income Tax Expense
285.3050	Schedule C-5.3: Differences between Book and Tax Depreciation
285.3055	Schedule C-5.4: Interest Synchronization
285.3060	Schedule C-5.5: Investment Tax and Job Development Credits
285.3065	Schedule C-6: Social and Service Club Membership Dues
285.3066	Schedule C-6.1: Industry Association Dues
285.3068	Schedule C-6.2: Expenses for Outside Professional Services
285.3070	Schedule C-7: Charitable Contributions
285.3075	Schedule C-8: Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses
285.3080	Schedule C-9: Civic, Political, and Related Activities
285.3085	Schedule C-10: Rate Case Expense
285.3090	Schedule C-10.1: Rate Case Expense Comparisons
285.3105	Schedule C-11. 1: Direct Payroll by Function
285.3115	Schedule C-11. 2: Number of Employees
285.3135	Schedule C-11.3: Employee Benefits
285.3140	Schedule C-11.4: Reconciliation of Estimated Overhead and Clearing Costs with Actual Costs
285.3145	Schedule C-12: Depreciation Expense
285.3150	Schedule C-13: Summary of Affiliated Interest Transactions
285.3155	Schedule C-14: Operating Leases
285.3160	Schedule C-15: Major Maintenance Projects
285.3165	Schedule C-16: Uncollectible Expense
285.3170	Schedule C-17: Insurance Expense
285.3175	Schedule C-18: Taxes Other Than Income Taxes
285.3180	Schedule C-19: Property Taxes
285.3185	Schedule C-20: Local Taxes, Municipal Taxes, and Franchise Taxes
285.3190	Schedule C-21: Miscellaneous General Expenses
285.3215	Schedule C-22: Cost Savings Programs
285.3220	Schedule C-23: Miscellaneous Operating Revenues
285.3225	Schedule C-24: Legal Expense and Reserves

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285.3230	Schedule C-25: Add-On Taxes
285.3235	Schedule C-26: Amortization of Deferred Charges
285.3300	Schedule C-27: Fuel Adjustment Clause Revenues and Expenses-Electric Utilities
285.3305	Schedule C-28: Fuel Transportation Expense-Electric Utilities
285.3310	Schedule C-29: Decommissioning Expense-Electric Utilities with Nuclear Facilities
285.3400	Schedule C-30: Purchased Gas Adjustment Clause Revenues and Expenses-Gas Utilities
285.3500	Schedule C-31: Competitive Services
285.3600	Schedule C-32: Non-utility Operations
285.3700	Schedule C-33: Billing Experiments (Applicable only to utilities requesting a change in rates for the provision of electric service)

SUBPART G: RATE OF RETURN SCHEDULES

Section	
285.4000	Rate of Return Instructions
285.4010	Schedule D-1: Cost of Capital Summary
285.4020	Schedule D-2: Cost of Short-term Debt
285.4030	Schedule D-3: Embedded Cost of Long-term Debt, including Notes
285.4040	Schedule D-4: Embedded Cost of Preferred Stock
285.4050	Schedule D-5: Unrecovered Common Equity Issuance Costs
285.4060	Schedule D-6: Cost of Common Equity Work Papers
285.4070	Schedule D-7: Comparative Financial Data
285.4080	Schedule D-8: Security Quality Ratings
285.4090	Schedules D-9 through D-12: Financial Statements

SUBPART H: RATE AND TARIFF SCHEDULES

Section	
285.5010	Schedule E-1: Copy of Proposed Tariff Sheets
285.5015	Schedule E-2: Revised Copies of Existing Tariff Sheets
285.5020	Schedule E-3: Narrative Rationale for Tariff Changes
285.5025	Schedule E-4: Billing Units - Electric, Gas, Water, and Sewer Utilities
285.5100	Additional Electric and Gas Utility Rate Design Data Requirements
285.5105	Schedule E-5: Jurisdictional Operating Revenue - Electric and Gas Utilities
285.5110	Schedule E-6: Embedded Class Cost of Service Studies - Electric and Gas Utilities
285.5120	Schedule E-7: Load Research - Electric Utilities
285.5130	Schedule E-8: Bill Frequency Data - Electric and Gas Utilities

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285.5135	Schedule E-9: Bill Comparisons - Electric and Gas Utilities
285.5200	Schedule E-5: Long-Run Service Incremental Cost Studies – Telecommunications Carriers
285.5205	Schedule E-6: Imputation Tests - Telecommunications Carriers
285.5210	Schedule E-7: Jurisdictional Operating Revenue - Telecommunications Carriers
285.5215	Schedule E-8: Bill Comparisons - Telecommunications Carriers
285.5300	Schedule E-5: Jurisdictional Operating Revenue - Water and Sewer
285.5305	Schedule E-6: Embedded Cost of Service Studies - Water and Sewer
285.5315	Schedule E-7: Bill Comparisons - Water and Sewer

SUBPART I: PLANNING AND OPERATIONS SCHEDULES FOR GAS AND/OR ELECTRIC UTILITIES

Section

285.6000	Applicability of Subpart I
285.6005	Schedule F-1: Electric Generating Station Data
285.6010	Schedule F-2: Electric Interchange Transactions
285.6015	Schedule F-3: Electric Utility Marginal Energy Costs
285.6020	Schedule F-3.1 Distribution System Maintenance Expense
285.6100	Schedule F-4: Additions to Plant in Service Since the Last Rate Case
285.6200	Schedule F-5: Fossil Fuel Inventory-Electric Utilities
285.6205	Schedule F-6: Contractual Coal Delivery Schedule-Electric Utilities
285.6210	Schedule F-7: Fossil Fuel Supply Interruptions-Electric Utilities
285.6300	Schedule F-8: Gas Stored Underground-Gas Utilities
285.6305	Schedule F-9: Underground Gas Storage Activity-Gas Utilities
285.6310	Schedule F-10: Adequacy of Underground Gas Storage Levels-Gas Utilities
285.6315	Schedule F-11: Propane, Liquefied Natural Gas, and Synthetic Natural Gas Facilities-Gas Utilities
285.6320	Schedule F-12: Propane, LNG, and SNG Feedstock Inventory Levels-Gas Utilities

SUBPART J: FUTURE TEST YEAR REQUIREMENTS

Section

285.7000	Instructions for Subpart J
285.7005	Schedule G-1: Comparison of Prior Forecasts to Actual Data-Prior Three Years
285.7010	Schedule G-2: Statement from the Independent Certified Public Accountant
285.7015	Schedule G-3: Statement on Assumptions Used in the Forecast
285.7020	Schedule G-4: Statement on Accounting Treatment
285.7025	Schedule G-5: Assumptions Used in the Forecast

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- 285.7030 Schedule G-6: Inflation
285.7035 Schedule G-7: Proration of Accumulated Deferred Income Taxes
285.7045 Schedule G-8: Actual Gross Additions and Retirements Compared to Original Budget
285.7050 Schedule G-9: Comparison of Budgeted Non-Payroll Expense to Actual
285.7055 Schedule G-10: Budgeted Payroll Expense
285.7060 Schedule G-11: Budgeted Number of Employees
285.7065 Schedule G-12: Forecasted Property Taxes
285.7070 Schedule G-13: Comparison of Actual Financial Results to the Originally Approved Forecast for Each of the Past Twelve Months and Eight Subsequent Months
285.7075 Financial Statements
- 285.APPENDIX A Work Paper Referencing System

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

SOURCE: Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25, 1986; amended at 14 Ill. Reg. 6000, effective May 1, 1990; amended at 15 Ill. Reg. 16050, effective November 1, 1991; amended at 18 Ill. Reg. 10684, effective July 1, 1994; old Part repealed; new Part adopted at 27 Ill. Reg. 12251, effective August 1, 2003.

SUBPART A: GENERAL INSTRUCTIONS

Section 285.110 Purpose

- a) These standard information requirements are designed to assist the Staff of the Illinois Commerce Commission (Commission, ICC, or ILCC) to review filings for tariffed rate increases under Sections 9-201 and 16-108 of the Public Utilities Act (Act) [220 ILCS 5/9-201 and 16-108].
- b) These standard information requirements do not bind the Commission to a decision based solely on data provided pursuant to this Part, and parties and Commission Staff may seek additional information through discovery.
- c) Information required by this Part does not become part of the record unless admitted into evidence under applicable Commission Rules of Practice (83 Ill. Adm. Code 200).

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Section 285.111 Information to be Provided to the Chief Clerk

- a) Notwithstanding any other provisions of this Part, a utility providing information to Commission Staff pursuant to this Part, except for information provided under subsection (b), shall also provide one copy of that information to the Chief Clerk in a format that complies with 83 Ill. Adm. Code 200.
- b) A utility providing information to the Chief Clerk under this Section may designate portions of that information as information for which it intends to seek a protective order. This designated information shall be separated from the remainder of the information provided to the Chief Clerk.
- c) Subject to subsections (c)(3) and (4), the Chief Clerk shall not provide any information designated for a protective order to parties in the rate case without utility permission, provided the utility requests a protective order for that information under 83 Ill. Adm. Code 200.430 when the information is filed.
 - 1) Any party shall have 21 days after the date of the request for a protective order to respond to the request, and the utility shall have ten days after the deadline date for filing responses to file its reply.
 - 2) If the utility's tariffs are not suspended, the designated information shall not be released to any individual or entity by the Chief Clerk without the utility's permission.
 - 3) The Staff of the Commission is entitled to review the designated information at any time.
 - 4) Pursuant to 15 ILCS 205/6.5(d), the Illinois Attorney General has a statutory right to review the designated information.
- d) Information provided to the Chief Clerk under this Section for which the utility has requested a protective order shall be treated by the Chief Clerk as directed in the protective order or other order or decision issued in response to the utility's request for a protective order.
- e) The utility need not provide information to the Chief Clerk pursuant to this Section that is protected from disclosure by Illinois Supreme Court Rule 201(b)(2). However, in any case where a utility withholds information otherwise required to be provided by this Section, it shall provide the Chief Clerk a description of the information and a description of the basis for the assertion of

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the privilege claim.

- f) Information provided to the Chief Clerk under this Section, for which a utility has indicated it will request a protective order, but for which no protective order is in fact requested by the utility, shall be released by the Chief Clerk to the parties to the rate case as if the utility had not indicated it would seek a protective order. However, any individual or entity other than a party to the rate case may gain access to that information only through a petition to the Commission in which the utility shall be named as the respondent.
- g) Nothing in this Section shall be construed to prevent utilities and parties from entering into non-disclosure agreements in lieu of, or in addition to, the protective order process described in subsections (b) through (d).

Section 285.112 Disclosure and Non-disclosure of Information

- a) A utility providing information to the Director of the Financial Analysis Division, the Director of the Energy Division, and/or the Director of the Tele-communication Division under this Part may, when the information is filed, designate portions of that information as information for which it intends to seek a protective order.
- b) Information that has been designated by a utility as that for which it intends to seek a protective order shall not be disclosed by Staff to any person outside the Commission other than representatives of the Illinois Attorney General pursuant to 15 ILCS 205/6.5(d) without utility permission, provided the utility requests a protective order for that information under 83 Ill. Adm. Code 200.430 by no later than the first status hearing in the rate case.
- c) Information provided to Staff under this Part for which the utility has requested a protective order shall be treated by Staff as directed in the protective order or other order or decision issued in response to the utility's request for a protective order. Information provided to Staff under this Part, for which the utility has indicated it will request a protective order, but for which information no protective order is in fact requested by the first status hearing in the rate case, shall be treated by Staff as if the utility had not indicated it would seek a protective order.
- d) The utility need not provide information to Commission Staff pursuant to this Part that is protected from disclosure by Illinois Supreme Court Rule 201(b)(2). However, in any case in which a utility withholds information otherwise required

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to be provided by this Part, by reason of assertion of a privilege, it shall provide a description of the information and a description of the basis for the assertion of the privilege claim.

- e) Subject to the above limitations, Commission Staff is hereby authorized to prepare, from information provided under this Part, material for introduction into the record of any rate case and to disclose that information in connection with discharge of its responsibilities under the Act.

Section 285.115 Definitions

“Act” means the Public Utilities Act [220 ILCS 5].

“Affiliate” or “affiliated interests” means the entities defined in Section 7-101 of the Act [220 ILCS 5/7-101].

“Annual interest expense” equals annualized coupon interest plus annualized debt expense amortization plus (less) annualized discount (premium) amortization.

“Applicable service” means the service to which the requested rate changes apply and over which the Commission has authority to grant the request.

“Average data” means the arithmetic mean of beginning and end-of-year balances.

“Capital structure measurement period” refers to the period or point in time at which all long-term components of the capital structure are measured. This may differ from the “test year”.

“Carrying value” equals face amount of debt outstanding less (plus) unamortized discount (premium) less unamortized expense.

“Compensating balance” refers to the amount required by a bank for extending a loan. For purposes of this Subpart, the amount of Rural Telephone Finance Corporation (RTFC) stock purchased pursuant to an RTFC loan agreement shall be considered a compensating balance.

“Current proceeds” equals the sum of net proceeds at issue date less all interest or dividend payments, less all remarketing fees, less the cost of all principal retirements plus all interest or dividend income to date.

“Day” means calendar day unless otherwise specified.

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“Direct payroll” means the amount of payroll costs initially charged to a given expense, capital or other account, exclusive of amounts charged in error and subsequently corrected, rather than amounts for payroll costs that were initially charged to a clearing or sundry account and subsequently charged into a given expense or capital account through a reallocation.

“Discount rate” refers to the internal rate of return.

“Gross proceeds” refers to the total price paid by stockholders.

“Interest requirement” equals the annualized interest payable on short-term debt.

“Internal rate of return method” refers to the calculation of the embedded cost of debt and preferred stock by equating the present value of cash flows associated with an issue to its current proceeds.

“Jurisdictional” means each portion of a utility’s certificated service for which the Commission has regulatory authority.

“Long-term debt” refers to debt that matures more than one year after the issue date.

“Maturity date” refers to the date on which the principal amount of a debt security becomes payable or the termination date on which an installment loan must be paid in full.

“Monthly average data” means the arithmetic mean of the 12 monthly averages for the test year or prior years; each monthly average is the arithmetic mean of the beginning and end-of-month balances.

“Monthly balance” means the end-of-month balance.

“Net proceeds” equals principal, par or stated amount outstanding less (plus) discount (premium) less issuance expense.

“Net proceeds method” refers to the calculation of the embedded cost of debt by dividing annual interest by carrying value and to the calculation of the embedded cost of preferred stock by dividing annual dividend requirements by net proceeds.

“Non-utility” means any business, enterprise or activity not essentially and directly connected with the provision of utility service.

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“Parent company” means any corporation holding the power to vote either a majority of the voting capital stock of a public utility, or a majority of the voting capital stock of a company that is a parent company by virtue of this definition.

“Preferred stock” includes both preferred and preference stock.

“Reacquired issue” refers to a security retired before its maturity date.

“Refunded issue” refers to a security retired before its maturity date with proceeds from another issue.

“Refunding issue” refers to a security issued to retire another security before the maturity date of the retired security.

“Service” means the specific product or support provided to customers, such as electric, gas, water, or wastewater.

“Short-term debt” refers to debt maturing within one year after the issue date.

“Sinking fund” refers to an account established for the redemption of debt or preferred stock securities at a prescribed date and amount.

“Tariffed rates” means those rates or other charges on file with and approved by the Commission that generate the utility's gross operating revenues for any of the utility's authorized services, including, but not limited to, energy, delivery, transmission, metering, and bundled services. Tariffed rates, however, do not include rates and charges that can be changed pursuant to conditions set forth in the utility's tariffs. Examples of rates or other charges that can be changed pursuant to conditions set forth in the utility's tariff include, but are not limited to, rates pursuant to the purchased gas adjustment clause, the fuel adjustment clause, purchased water and purchased sewage treatment clauses.

“Total company” refers to a utility and its ownership interest in all subsidiary companies.

“Utility” means a public utility as defined by Section 3-105 of the Act [220 ILCS 5/3-105]. “Utility”, unless the context indicates differently, includes “telecommunications carriers” as defined in Section 13-202 of the Act [220 ILCS 5/13-202].

Section 285.120 Applicability

- a) Unless otherwise specified, the standard information requirements are applicable

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to all utilities under the jurisdiction of the Commission filing for a change in tariffed rates that increases annual revenue 1.0% or more when comparing revenue as first calculated using current authorized rates against the revenue that is calculated using the requested rates. The standard information requirements are also applicable to increases of less than 1% if cumulative filings, including the current filing, over the previous 12 month period would increase revenues by 1% or more. If certain rates are not to be changed by the utility's request, revenues resulting from the application of those rates are to be included in the comparison, provided that the rates that are not changing are a component of the applicable service for which the utility is seeking a rate change.

- b) The standard information requirements are not applicable to filings for competitive service, for other services over which the Commission lacks jurisdiction for rate setting, or for reclassifying a previously noncompetitive service to competitive service. Such filings are to be made, where applicable, in accordance with the applicable provisions of the Act.
- c) The standard information requirements are not applicable to telecommunications carriers that have no more than 35,000 subscriber access lines. Such carrier's filing requirements are subject to the provisions of Section 13-504 of the Act [220 ILCS 5/13-504].
- d) The standard information requirements are not applicable to electric, gas, water, or sewer utilities that provide utility service to no more than 35,000 customers. When determining if a utility serves no more than 35,000 customers, all customers of that utility shall be counted, regardless of the type of service provided or the jurisdiction under which a customer is provided service, except that no customer shall be counted more than once.
- e) The standard information requirements are not applicable to utilities requesting a staff review, examination, and evaluation of its books, records and operations prior to the filing of a general rate case pursuant to the notice requirements of 83 Ill. Adm. Code 255.20(g). (See Section 9-201(a) of the Act [220 ILCS 5/9-201(a)].)
- f) Unless the context of Article XIII of the Act [220 ILCS 5/Art. XIII] clearly renders such provisions inapplicable, the ratemaking provisions of Article IX of the Act [220 ILCS 5/Art. IX] relating to public utilities and the standard information requirements are fully applicable to telecommunications carriers.

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- a) Utilities shall submit the standard information requirements at the time of making any filing that meets the criteria of Section 285.120(a). The standard information requirements provide minimum information normally required to support a utility's filing. If the utility believes that further information, in addition to pre-filed testimony and exhibits, is necessary to support its case or is proposing a position that requires a departure from the basic schedules (e.g., a special revenue adjustment proposal), it is the utility's responsibility to supplement the standard information requirements as necessary to support its position.
- b) Rather than submitting each schedule with a separate notation that the schedule is not required or is not applicable, a utility shall identify all such exceptions on Schedule A-1.

Section 285.140 Waiver of Standard Information Requirements

- a) A petition for waiver of any provisions of the standard information requirements shall be filed with the Commission. The Commission shall list all waivers requested on the Report of Daily Filing. If an order on the waiver request is not entered within 60 days after the date it was filed, the waiver request shall be deemed to have been granted. The granting of any waiver of provisions of the standard information requirements shall not be a bar to parties and Commission Staff seeking that information through discovery.
- b) A request for waiver of any of the provisions of the standard information requirements shall be verified and must set forth the specific reasons in support of the request. A request for waiver shall be granted upon good cause being shown by the utility. While other factors may be considered, and shall be mentioned if considered, the following factors shall be considered:
 - 1) Whether other information available in the rate filing permits a review of the rate filing in a complete and timely manner;
 - 2) Whether other information, that the utility would provide if the waiver is granted, permits a review of the rate filing in a complete and timely manner;
 - 3) The degree to which the information that is the subject of the waiver request is maintained by the utility in the ordinary course of business or is available to it from the information that it maintains; and
 - 4) The expense to the utility in providing the information that is the subject

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of the waiver request.

Section 285.145 Compliance

- a) Within 35 days after the date of filing the tariffs, the Director of the Administrative Law Judges Division of the Commission or the assigned Administrative Law Judge shall provide a written list of any deficiencies in the materials submitted pursuant to this Part to the utility with two copies to the Director of the Financial Analysis Division. The utility shall have 28 days after receipt of the list of deficiencies to submit the additional information to the assigned Administrative Law Judge and the Director of the Financial Analysis Division. If a utility does not intend to supply the information requested in the list of deficiencies, it shall notify the Director of the Administrative Law Judges Division of the Commission or the assigned Administrative Law Judge of its intention within 10 days after its receipt of the list of deficiencies.
- b) If the utility fails to comply with this Part, after having been notified in writing, and fails to provide to the Director of the Administrative Law Judges Division of the Commission or the assigned Administrative Law Judge the requested information, the failure could result in a citation or other enforcement pursuant to law for failure to comply with this Part. In determining whether to take enforcement action, the Commission shall consider, among other things:
 - 1) Any explanation that may be provided by the utility;
 - 2) The Commission's need for the information;
 - 3) The difficulty to the utility of providing the information, including the cost of compliance to the utility; and
 - 4) The utility's previous record of compliance with the requirements of this Part and the utility's efforts at cooperation with the Commission and its Staff.

Section 285.150 General Information Requirements to Be Available

The utility shall make the following information available to the Commission Staff at the utility's office:

- a) The work papers of the independent auditor related to the utility's most recent fiscal year for which an audit has been completed and the test year used in the

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current filing. If no independent auditor's opinion is expressed on the utility alone, then the audit workpapers for the utility's parent shall be made available. The work papers shall include engagement letters, representation letters, and additional correspondence between the utility and the independent auditor regarding the engagement;

- b) Information directly or indirectly supporting the utility's testimony, exhibits, and standard information requirements submitted in conjunction with the utility's filing for a tariff rate increase, such as workpapers, invoices, the general ledger, schedules, other supporting data, etc.;
- c) All minutes of board of directors meetings for the utility and all minutes of board of director meetings for its parent and all other affiliated interests to the extent those minutes relate to transactions listed in Section 285.3150 between the utility and such affiliated interests and a list of all other affiliated interests defined by Section 7-101 of the Act [220 ILCS 5/7-101];
- d) List of all internal audits and all audits by outside entities performed during the past three years. The list will include the title of the audit, the scope of the audit, and the date of the audit report;
- e) Any written communications from the independent auditor received by the utility since the last rate case that indicates the existence of any material weakness in the utility's internal controls;
- f) Information pertaining to legal matters, defined as any case or lawsuit whose potential liability is greater than \$100,000, included within any reserve or test year operating expense as follows:
 - 1) Filing date of case or lawsuit;
 - 2) Description of case or lawsuit;
 - 3) Amount of any damages sought;
 - 4) Amount of any damages awarded, if any;
 - 5) Estimated liability and amount included in any reserve or expense account in the test year; and
 - 6) Status of case or lawsuit.

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- g) The most recently filed federal income tax return (If the utility is part of an affiliated group of companies and its federal income tax information is filed as part of a consolidated federal income tax return, the utility shall provide for review both the consolidated federal income tax return and the utility's information return prepared to support the consolidated federal income tax return.);
- h) The most recently filed State income tax return (If the utility files its Illinois state income tax as part of a unitary business group; the utility shall provide for review the unitary business group's Illinois State income tax return and the utility's information return prepared to support the unitary business group's Illinois State income tax return.);
- i) Existing accounting procedures manual or guidelines that describe the utility's policy, rules, and accounting treatment, including, but not limited to, the following subjects: construction work in progress, accumulated depreciation, advances, contributions in aid of construction, customer deposits, capital and operating leases, and materials and supplies related to construction;
- j) Current contracts with outside collection agencies;
- k) Current organizational chart of the utility that includes the names of all employees primarily concerned with regulatory affairs and the names of all supervisors in those departments primarily concerned with accounting, rates, finance, or budgeting;
- l) All minutes of board of directors audit committee meetings for the utility and all minutes of the board of directors audit committee meetings for its parent to the extent those minutes relate to transactions listed in Section 285.3150 between the utility and any affiliated interest;
- m) Executive compensation for each of the three consecutive years immediately preceding the test year and the test year. Information provided for each of the highest-paid five officers and the total of all officers other than the five listed shall include:
 - 1) Annual base salary including deferred amounts;
 - 2) Bonus, performance shares, or other variable amounts;
 - 3) Value of stock options awarded;

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- 4) Benefits (cash value of special life insurance or medical benefits not provided to other employees);
 - 5) Other, such as use of company car, company airplane, purchase discounts, club memberships, etc.; and
 - 6) Value of agreements to executives resigning during the year;
- n) A listing of all incentive compensation and year-end bonus plans provided to employees. The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e). Information provided shall include:
- 1) A description of the incentive compensation plans and year-end bonus plans, including goals and achievement levels for each plan;
 - 2) For each plan, the employee classification (e.g., all, executives, all union, pipe-fitters local, salaried, etc.) included in the plan;
 - 3) Costs associated with each plan;
 - 4) Total cost of all plans;
 - 5) Amount expensed for all plans;
 - 6) Percentage of total cost of all plans expensed;
 - 7) Amount capitalized for all plans;
 - 8) Percentage of total cost of all plans capitalized;
 - 9) Amount capitalized;
 - 10) Percentage capitalized;
 - 11) Amount expensed; and
 - 12) Percentage expensed.

SUBPART B: GENERAL INFORMATION REQUIREMENTS

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- a) Unless otherwise indicated, a utility shall deliver to the Director of the Financial Analysis Division a minimum of one copy of the most recent example of the documents and reports listed in Subpart B on or before the day of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120(a). If the utility is requesting a change in electric and/or gas tariffs, the utility shall also deliver one copy of the above information to the Director of the Energy Division. If the utility is requesting a change in telecommunications tariffs, the utility shall also deliver one copy of the above information to the Director, or successor position, of the Telecommunications Division. If the general information requirement was provided to the Commission Staff prior to the day of filing the proposed tariffs or in a previous rate case, indicate the submittal date and to whom submitted on Schedule A-1, Tariff Filing Summary. Future reports required by Section 285.305(k)-(s) shall also be delivered to the Director of the Financial Analysis Division as they become available during the proceeding.
- b) Documents shall be labeled with the applicable Section and subsection designation. For example, the chart of accounts shall be labeled "285.305(d)".

Section 285.305 General Information Requirements Applicable for All Utilities Subject to this Part

The information listed in this Section is required from all utilities subject to this Part.

- a) Company description, including:
 - 1) A corporate history including dates of incorporation and subsequent acquisitions and mergers;
 - 2) An organizational chart depicting inter-company relationships; and
 - 3) A system map indicating all cities, counties, and any other government subdivision to which service is provided.
- b) Docket number for the most recent rate order from each regulatory entity, other than this Commission, having jurisdiction over the utility, for each type of regulated service offered by the utility.
- c) Each monthly managerial report providing financial results of operations for each of the past 12 months and each of the eight subsequent months as it becomes available.

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- d) Current corporate chart of accounts and subaccounts, listing Commission account numbers, utility account numbers (if different), and description.
- e) Summary of the depreciation study supporting the rates used to calculate depreciation expense reflected on Schedule C-1. If no depreciation study exists, provide an explanation of the depreciation rates.
- f) Each labor contract, union and non-union, to which the utility is currently a party and any labor contract that has been signed but has a future effective date.
- g) Most recent actuarial report supporting post-retirement benefits, including pensions and post-retirement benefits other than pensions.
- h) A list of all private letter rulings received from the Internal Revenue Service since the utility's last rate filing before the Commission.
- i) A list of any reports or studies prepared for the utility by outside professional consultants or analysts during the last three years with a cost the lesser of .1% of the total utility annual revenues or \$500,000. The list shall include the report/study date, consultant name, subject of the report/study, cost of the report/study, and accounts charged.
- j) Most recent presentation to securities analysts by the utility and any parent company. The utility may exclude any portion of that presentation that neither directly nor indirectly relates to the utility and its subsidiaries.
- k) Most recent annual report to shareholders and statistical supplements of the utility and any parent company.
- l) Quarterly reports to shareholders issued subsequent to the last annual report to shareholders of the utility and any parent company.
- m) Most recent Securities and Exchange Commission (SEC) Form 10-K of the utility and any parent company.
- n) All SEC Form 8-Ks referenced in the SEC Form 10-K (subsection (m)) of the utility and any parent company.
- o) All SEC Form 10-Qs issued subsequent to the SEC Form 10-K of the utility and any parent company as referenced in subsection (n).

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- p) Most recent prospectuses of common stock, preferred stock, and bond offerings of the utility and any parent company.
- q) Most recent proxy statement of the utility and any parent company.

Section 285.310 General Information Requirements Applicable for Electric Utilities

The information listed is required of electric utilities only.

- a) Most recent ILCC Form 21 (three copies).
- b) Most recent FERC Form 1.
- c) For utilities with generating plants included in rate base in the test year, inventory policies on coal and oil that will be in effect during the test year.
- d) For utilities with generating plants included in rate base in the test year, all studies performed by the utility or relied upon by the utility to determine its optimal fossil fuel inventory level. Include the economic justification for the fossil fuel inventory level that is being requested.
- e) Each electric utility subject to this Part using a future test year shall prepare an analysis of historical and forecasted levels of peak demand and energy usage that includes:
 - 1) System peak demand and total energy usage (actual and weather adjusted) for the previous five years;
 - 2) Forecasted peak demand and energy usage for the future test year;
 - 3) An historical and projected analysis of the utility's typical daily load shape by season for the previous five years and for the forecasted test year;
 - 4) Disaggregation of historical data and forecasts by customer class and end-use where information permits;
 - 5) An analysis of actual and expected interruptible demand, including actual interruptions occurring during the last five years;
 - 6) An analysis of the expected impact of cogenerators and self-generators on peak demand and energy usage for the forecasted test year. Such an analysis shall include the number of customers with such capacity, their

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capacity rating, and their contracted peak and total energy demand; and

- 7) An assessment of the impact on actual and forecasted peak demand and energy usage from existing company-sponsored and government-sponsored or mandated conservation or load management programs. This assessment shall attempt to separate conservation and load management due to such programs from those that would have occurred in the absence of such programs.
- f) Each electric utility subject to this Part using a historic test year shall prepare an analysis of historical levels of peak demand and energy usage that includes:
- 1) System peak demand and total energy usage (actual and weather adjusted) for the previous five years;
 - 2) A historical analysis of the utility's typical daily load shape by season for the previous five years;
 - 3) Disaggregation of historical data by customer class and end-use where information permits;
 - 4) An analysis of actual interruptible demand, including actual interruptions occurring during the last five years;
 - 5) An analysis of the impact of cogenerators and self-generators on peak demand and energy usage. Such an analysis shall include the number of customers with such capacity, their capacity rating, and their contracted peak and total energy demand; and
 - 6) An assessment of the impact on actual peak demand and energy usage from existing company-sponsored and government-sponsored or mandated conservation or load management programs. This assessment shall attempt to separate conservation and load management due to such programs from those that would have occurred in the absence of such programs.

Section 285.315 General Information Requirements Applicable for Gas Utilities

The information listed in this Section is required of gas utilities only.

- a) Most recent ILCC Form 21 (three copies).

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- b) Most recent FERC Form 2.
- c) Provide forecasted peak design day, the estimated amount of available peak day supply and the reserve margin during the test year. List and explain all criteria used by the utility as a basis for each of these values and provide all associated workpapers.

Section 285.320 General Information Requirements Applicable for Telecommunications Carriers Subject to this Part

The information listed in this Section is required of telecommunications carriers only.

- a) Most recent ILCC Form 23A (two copies).
- b) A list of all filings with outside regulatory agencies, such as the Federal Communications Commission (FCC), during the last three years, the date, and description of the filing.
- c) Most recent FCC Form M.

Section 285.325 General Information Requirements Applicable for Water and/or Sewer Utilities

The information listed in this Section is required of water and/or sewer utilities.

- a) Most recent ILCC Form 22 (two copies).
- b) Monthly flows received at the sewage treatment plant for the last three years.
- c) Peak day and peak hour (if available) water flows for the last three years.

SUBPART C: GENERAL INSTRUCTIONS FOR SCHEDULES AND WORK PAPERS

Section 285.400 Schedules

- a) In addition to filing the required schedules in a compatible electronic format, the minimum number of copies of the schedules listed in Subparts D through K, inclusive, submitted to the Director of the Financial Analysis Division at the time of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.130 shall be as follows:
 - 1) Seven copies of Subpart D (A Schedules), Subpart E (B Schedules), Subpart F (C Schedules), Subpart I (F Schedules), and Subpart J (H

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Schedules); and

- 2) Two copies of Subpart G (D Schedules), Subpart H (E Schedules), and Subpart J (G Schedules).
- b) Schedules shall convey the information required by the standard information requirements. Schedules shall not be handwritten. Additional schedules shall be submitted as necessary to support the utility's request for a general rate increase; these schedules shall be identified by the next unassigned schedule number in the appropriate Section.
- c) Applicable data
- 1) The schedules shall show total company data and applicable service data unless otherwise specified.
 - 2) A telecommunications carrier, at its option, may provide data on a total company basis (i.e., interstate and intrastate) or on an intrastate basis only. In the event the telecommunications carrier provides data on an intrastate basis, the determination of such data shall be in accordance with 47 CFR 36, "Standard Procedures for Separating Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves" (as of October 1, 2002). This incorporation does not include any later amendment or edition.
 - 3) The description of each schedule indicates the periods for which information shall be provided. The utility may provide the data on the number of pages necessary to provide the information.
 - 4) The prior year is defined as the 12 month period immediately preceding the test year. If a future test year is selected, the schedule shall indicate by footnote the number of months of actual and forecasted data included within the first prior year.

Section 285.410 Work Papers

- a) A minimum of one copy, unless otherwise specified, of the work papers supporting the standard information requirements schedules shall be submitted to the Director of the Financial Analysis Division at the time of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120. If the utility is requesting a change in electric and/or gas tariffs, the utility shall also deliver one copy of the above information to the Director of the Energy Division. If the

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utility is requesting a change in telecommunications tariffs, the utility shall also deliver one copy of the above information to the Director of the Telecommunications Division. To the extent workpapers exist in electronic form, workpapers shall be submitted in electronic form.

- b) The requirements of each schedule establish the minimum information to be provided as work papers. If additional information supports the testimony, exhibits, or schedules, the requirements of this Part shall not limit the information submitted.
- c) It is not necessary that workpapers be prepared specifically to satisfy the requirements of this Part.
- d) If the required information is provided in testimony, it is appropriate to reference by footnote on the schedule the citation for the required information. Work papers reflecting duplicative information are not necessary.
- e) All work papers shall:
 - 1) Be referenced to the appropriate standard information requirement schedules in accordance with the work paper reference system described in Appendix A;
 - 2) Contain the name of the person responsible for the work paper and the date prepared; and
 - 3) Be cross-referenced wherever possible to minimize duplication of data.
- f) When assumptions are made in determining work paper schedule amounts, narrative or other support shall be included so that the reasonableness of the work paper can be reviewed.
- g) The referencing system described in Appendix A of this Part shall be used for all work papers. A maximum of six position codes shall be used; when positions 5 and 6 are not required, they shall be left blank.

SUBPART D: REVENUE AND FINANCIAL SUMMARY SCHEDULES

Section 285.1000 Schedule A-1: Summary of Standard Information Requirements

Schedule A-1 shall provide the following information:

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- a) Utility name;
- b) Segment of operations and functional service (distribution, bundled, metering, etc.) requesting change in rates;
- c) Tariff filing date;
- d) Test year type;
- e) Test year;
- f) Utility representative, address, e-mail address, and telephone number to contact in regard to the tariff filing or the materials submitted pursuant to this Part;
- g) Alternate utility representative, address, e-mail address, and telephone number;
- h) Name, address, e-mail address, and telephone number of the utility's attorney to contact in regard to the tariff filing or the materials submitted pursuant to this Part;
- i) Change requested for the applicable service:
 - 1) Dollars; and
 - 2) Percentage;
- j) List of schedules, workpapers, and general information requirements not provided, indicating whether the standard information requirement was waived, including date requested and date granted, whether the requirement was previously submitted, including to whom the information was previously submitted and the date, or whether the information is not applicable, including the reason that the information is not applicable.

Section 285.1005 Schedule A-2: Overall Financial Summary

- a) Schedule A-2 summarizes the calculation supporting the increase in revenue requirements requested by the utility for the test year. Provide the following information for each applicable service:
 - 1) Applicable service original cost rate base;
 - 2) Applicable service operating income at present rates;

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- 3) Applicable service rate of return;
 - 4) Cost of capital;
 - 5) Applicable service operating income at proposed rates;
 - 6) Applicable service income deficiency;
 - 7) Applicable service gross revenue conversion factor (before add-on charges for revenue taxes);
 - 8) Applicable service revenue increase requested; and
 - 9) Applicable service revenue increase including add-on revenue taxes.
- b) Where rates are being sought for more than one applicable service (e.g., electric bundled, gas bundled, gas delivery, electric metering, water, or sewer) or different rates for each jurisdictional service area (e.g., district, division), a separate A-2 shall be provided for each utility applicable service or service area.

Section 285.1010 Schedule A-2.1: Computation of Jurisdictional Gross Revenue ConversionFactor

Provide a detailed calculation of the jurisdictional gross revenue conversion factor used in Schedule A-2. Calculation shall be based on tax rates applicable to the test year.

Section 285.1015 Schedule A-3: Comparison of Present and Proposed Rates

- a) Data required from utilities, excluding telecommunications carriers by effective rate classification, on a jurisdictional pro forma basis:
- 1) Average number of customers;
 - 2) Number of units sold;
 - 3) Revenue at present rates excluding add-on revenue taxes;
 - 4) Revenue at proposed rates excluding add-on revenue taxes;
 - 5) Difference in revenue, in dollars; and
 - 6) Percentage change in revenue.

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- b) Data required from telecommunications carriers by accounting revenue classification, segregated between competitive and noncompetitive services (excluding non-regulated service revenues):
 - 1) Historical revenues;
 - 2) Revenue at present rates excluding add-on revenue taxes;
 - 3) Revenue at proposed rates excluding add-on revenue taxes;
 - 4) Difference in revenue, in dollars; and
 - 5) Percentage change in revenue.
- c) Where rates are being sought for more than one applicable service (e.g., electric bundled, gas bundled, gas delivery, electric metering, water, or sewer) or different rates for each jurisdictional service area (e.g., district, division), a separate A-3 shall be provided for each utility applicable service or jurisdictional service area.

Section 285.1020 Schedule A-4: Comparison to Prior Rate Order

- a) Schedule A-4 compares jurisdictional information on Schedule A-2, Overall Financial Summary, with the findings by the Commission in the utility's prior rate order for the same utility applicable service and jurisdictional service area for which a change in rates is sought with this filing. Provide a brief explanation of changes in conditions from the prior rate order that necessitated the filing for a change in tariffed rates.
- b) Where rates are being sought for more than one applicable service (e.g., electric bundled, gas bundled, gas delivery, electric metering, water, or sewer) or different rates for each jurisdictional service area (e.g., district, division), a separate A-4 shall be provided for each utility applicable service or jurisdictional service area.

Section 285.1025 Schedule A-5: Jurisdictional Allocation Summary

Provide a jurisdictional allocation cost summary based on costs for the test year. The jurisdictional allocation summary shall allocate the test year costs of the total company to each of the utility's applicable services. Each applicable service and utility service for each service area where separate rates are maintained would be a separate jurisdictional service classification. In addition, utility services under each jurisdiction other than the Commission (e.g., FERC, FCC, another public utility commission) would be a separate jurisdictional service classification.

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- a) Information provided on Schedule A-5 shall be in accordance with the following instructions:
- 1) Costs shall be functionalized by account or group of similar accounts that are allocated on the same basis (Accounts shall be as defined by the Commission's Uniform System of Accounts, 83 Ill. Adm. Code 415 for the electric utilities; 83 Ill. Adm. Code 505 for the gas utilities, 83 Ill. Adm. Code 710 for the telecommunications carriers; 83 Ill. Adm. Code 605 for the water utilities; or 83 Ill. Adm. Code 650 for the sewer utilities).
 - 2) The total company costs allocated to each jurisdiction shall be consistent with the unadjusted total company balance at present rates reflected on Schedule C-1.
 - 3) All allocation factors used in the allocation of total company costs shall be listed, including factors for the Illinois jurisdiction and applicable service for which a requested increase in rates is being proposed and for each of the other jurisdictions.
- b) Supporting work papers shall include:
- 1) Work papers supporting all allocations included in subsection (a); and
 - 2) A description of the allocation methodology that includes the following:
 - A) The derivation of all allocation factors; and
 - B) The basis for all direct assignments of costs in the study.
- c) Telecommunications carriers may satisfy the requirement for Schedule A-5 by providing a separations study that would allocate expenses and investment between its intrastate and interstate jurisdictions. Supporting work papers shall include the separations study.

SUBPART E: RATE BASE SCHEDULES

Section 285.2000 Rate Base Instructions

- a) Account classifications. All utilities, as applicable, must comply with the Uniform System of Accounts approved by the Commission as 83 Ill. Adm. Code 415, 505,

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605, 650, and 710.

- b) Separate rate base schedules must be provided for each applicable service and for each service area for which separate tariffs exist (e.g., district, division, etc.) where a requested change in rates is being proposed.
- c) All schedules shall reflect data for the 12 month periods ending on the same date as the ending date of the test year.
- d) Information supporting the requested rate base shall be presented in a manner consistent with the methodology utilized to derive the rate base.
- e) If a rate base component is derived from average data, the utility shall provide work papers that present all balances used to derive the rate base component.

Section 285.2005 Schedule B-1: Jurisdictional Rate Base Summary by ICC Account

- a) Schedule B-1 shall present, by ICC Account with appropriate subtotals, data for the jurisdiction for which a rate increase is requested for the test year. Where rates are being sought for more than one applicable service or for more than one service area (e.g., district, division), a separate B-1 shall be provided for each utility service type and/or service area. Information provided shall include:
 - 1) ICC Account number;
 - 2) ICC Account description;
 - 3) Amount included in the unadjusted test year jurisdictional rate base;
 - 4) Amounts of any adjustments; and
 - 5) Amount included in the pro forma jurisdictional balance.
- b) The presentation of each rate base component shall include the unadjusted total company balance, the total of all adjustments to each rate base component, and the applicable service pro forma balance. The source for the unadjusted balance shall be the general ledger for a historical test year as defined in 83 Ill. Adm. Code 287 or the utility's forecast for a future test year as defined in 83 Ill. Adm. Code 287. The resulting jurisdictional pro forma balance shall represent that level of rate base investment attributable to the provision of services to jurisdictional customers.

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- c) The components of rate base shall include, but not be limited to, the following:
 - 1) Gross utility plant in service at original cost;
 - 2) Reserve for accumulated depreciation;
 - 3) Net utility plant in service;
 - 4) Other individual items comprising rate base separately listed, such as working capital, construction work in progress included in rate base, customer advances, and accumulated deferred income taxes; and
 - 5) Total rate base.
- d) All items shall be supported by schedules. If the item requires a schedule other than as described by the standard information requirements, a schedule shall be provided that includes the following:
 - 1) Dollars involved by account; and
 - 2) Reasons for additions or deletions to rate base.
- e) If the rate base components of a future test year are not derived from average data for the test year or from monthly average data, provide work papers supporting Schedule B-1 that reflect the 13 month-end balances of all rate base items commencing with the month-end balance for the month prior to the beginning of the test year and ending with the month-end balance for the last month of the test year.

Section 285.2010 Schedule B-2: Summary of Utility Adjustments to Rate Base

Provide the individual adjustments to rate base included within the aggregated total adjustment amount reflected on Schedule B-1. Each adjustment shall indicate the impact upon each component of rate base. Reference each adjustment to the appropriate supporting schedule. The adjustment to remove the non-jurisdictional portion of rate base, if appropriate, shall be included within the aggregated total adjustment.

Section 285.2015 Schedules B-2.1, 2.2, 2.3, etc.: Detailed Adjustments to Rate Base

- a) Provide for each adjustment included on Schedule B-2 a separate schedule showing:

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- 1) Title of adjustment;
 - 2) Description of adjustment;
 - 3) Summary calculations supporting the adjustment;
 - 4) Reference to supporting work paper; and
 - 5) Adjustment amounts by ICC Account.
- b) Provide the work papers supporting each adjustment.

Section 285.2020 Schedule B-3: Comparative Balance Sheet for Prior Three Years and the Test Year

Provide the total utility summary balance sheet for the test year, and for each of the three consecutive years immediately preceding the test year, with the ending date of all the years provided being on the same date of the same month.

Section 285.2025 Schedule B-4: Summary of Adjustments to Plant in Service

- a) For the test year, provide the unadjusted total company balance of plant in service by individual plant account; each adjustment to plant in service by individual plant account; and the adjusted jurisdictional plant in service by individual plant account. The total plant in service balances shall agree with balances reflected on Schedule B-1.
- b) For future test years, the test year plant in service and all adjustments may be provided by function, if individual plant account information is not available.

Section 285.2030 Schedule B-5: Gross Additions, Retirements, and Transfers

- a) For the test year and each of the three consecutive years immediately preceding the test year, provide for each plant function an analysis of the unadjusted total company balance of plant in service.
- b) Information provided shall include:
 - 1) Title of plant function;
 - 2) Beginning plant balances;

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- 3) Gross additions during the test year;
- 4) Retirements during the test year;
- 5) Transfers during the test year;
- 6) Ending plant balances; and
- 7) Explanation for the transfer.

Section 285.2035 Schedule B-5.1: Gains and Losses on Sales of Property

- a) Provide information on each item of real property sold since the utility's most recent filing for a change in tariff rates, where the original cost of the property sold exceeds 0.1% of total gross plant in service as shown for the test year on Schedule B-1.
- b) Information provided shall include:
 - 1) Date property was sold;
 - 2) Description of property sold;
 - 3) Name of purchaser;
 - 4) Sales price;
 - 5) Book cost of property;
 - 6) Gain or loss on sale of property; and
 - 7) Reason for sale.

Section 285.2040 Schedule B-5.2: Property Merged or Acquired from Other Utilities

- a) Provide a list of all transactions over \$100,000 where utility property is either merged or acquired from other utilities since the last rate case. The \$100,000 floor applies to the entire transaction without regard to individual accounts or to individual units of property. Explain how the property was entered into plant property records (e.g., entered at original cost, purchase price in year of purchase, original cost less accrued book depreciation in year of purchase, etc.). Also, describe the accounting treatment of any acquisition adjustments by footnote.

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- b) Information provided shall include:
 - 1) Account number, group or function;
 - 2) Description of property;
 - 3) Acquisition cost;
 - 4) Cost basis;
 - 5) Acquisition adjustment;
 - 6) Commission approval date;
 - 7) Docket number of order approving the transaction;
 - 8) Date of acquisition; and
 - 9) Explanation of accounting treatment.

Section 285.2045 Schedule B-5.3: Leased Property Included in Rate Base

- a) Provide a list of all properties leased to the utility, with annual lease payments greater than \$100,000, that are included in the rate base reflected on Schedule B-1.
- b) Information provided for each leased property shall include:
 - 1) Identification or reference number;
 - 2) Description of type and use of property;
 - 3) Name of lessor;
 - 4) Frequency of payments;
 - 5) Amount of lease payment;
 - 6) Annual lease payment;
 - 7) Amount included in the test year rate base; and

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- 8) Amount included in the test year operating expense.

Section 285.2050 Schedule B-6: Depreciation Reserve

- a) For the test year and each of the three consecutive years immediately preceding the test year, provide detail of the depreciation reserve by major account number. If detail is not available by major account number, provide the required detail by plant function. In the case of electric utilities, this reserve shall be adjusted as required to account for depreciation expense computed in accordance with 83 Ill. Adm. Code 287.130.
- b) Information provided shall include:
 - 1) Major account number;
 - 2) Beginning balance;
 - 3) Depreciation expense;
 - 4) Retirements;
 - 5) Other, such as transfers or sale of asset;
 - 6) Ending balance; and
 - 7) General description of other (subsection (b)(5)).

Section 285.2055 Schedule B-7: Construction Work in Progress

- a) Provide information required by subsection (b) for each construction project included in Construction Work in Progress (CWIP) for the test year rate base that exceeds 5% of the total CWIP balance for the test year. If the CWIP project is not in rate base, the information is not required.
- b) Information provided shall include:
 - 1) Project number;
 - 2) Description of project;
 - 3) Direct costs of construction through the end of the test year;

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- 4) Allowance for funds used during construction (AFUDC) or interest during construction (IDC) for telecommunications carriers capitalized through the end of the test year;
- 5) Other indirect costs through the end of the test year;
- 6) Total cost of construction project through the end of the test year; and
- 7) Amount included in the test year jurisdictional rate base.

Section 285.2060 Schedule B-7.1: Construction Work in Progress Percent Complete

- a) For the projects identified in Schedule B-7, provide information to determine the estimated percent complete, or for a future test year, expected to be complete, at the end of the test year.
- b) Information provided shall include:
 - 1) Project number;
 - 2) Description of project;
 - 3) Date project started;
 - 4) Most recent estimated project completion date;
 - 5) Original budget estimate;
 - 6) Most recent revised estimate;
 - 7) Accumulated construction costs; and
 - 8) Percent complete (the amount in subsection (b)(7) divided by the amount in subsection (b)(6) x 100).

Section 285.2065 Schedule B-7.2: Allowance for Funds Used During Construction

- a) Provide information concerning AFUDC for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided shall include:

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- 1) Amount of AFUDC generated;
 - 2) Amount of AFUDC transferred to plant in service;
 - 3) AFUDC rate; and
 - 4) General narrative summary of the utility's AFUDC policy.
- c) Supporting work papers shall include detail of AFUDC for the 12 months of the test year. This detail shall include:
- 1) Month;
 - 2) Total CWIP balance;
 - 3) CWIP balance accruing AFUDC;
 - 4) CWIP balance not accruing AFUDC;
 - 5) AFUDC accrual rate; and
 - 6) AFUDC generated.
- d) Telecommunications carriers shall provide the information required in this Section for IDC rather than AFUDC.

Section 285.2070 Schedule B-8: Cash Working Capital

- a) Provide a summary schedule showing the calculation of cash working capital, if included in rate base by the utility, for the test year. Show each individual component and describe the methodology used to calculate each component.
- b) Work papers supporting Schedule B-8 shall include the supporting documentation of the calculation. If the cash working capital request is based upon a lead-lag study, the lead-lag study shall be provided on a jurisdictional basis and included as work papers.

Section 285.2075 Schedule B-8.1: Materials and Supplies

- a) Each utility requesting a materials and supplies allowance in rate base shall provide the monthly balances used to derive the average balance of materials and supplies for each of the three consecutive years immediately preceding the test

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year and the test year.

- b) Information provided shall include:
 - 1) Month;
 - 2) Balance of materials and supplies; and
 - 3) Balance of accounts payable associated with materials and supplies.

Section 285.2080 Schedule B-9: Accumulated Deferred Income Taxes

- a) Provide a listing of all components of accumulated deferred income taxes for the test year. This listing shall include both the debit and credit amounts of prepaid taxes and accumulated deferred income taxes.
- b) If the future test year average plant-in-service is calculated using monthly average balances, then provide the monthly average balances for each component of accumulated deferred income taxes and compute monthly average data for each component of accumulated deferred income taxes.
- c) Information provided shall include:
 - 1) Component of accumulated deferred income taxes;
 - 2) ICC Account number of the component;
 - 3) Utility's account number of the component;
 - 4) Description of any specific event that initiated the recording of component;
 - 5) Beginning State deferred tax balance (Identify as either a debit or credit amount. Credit amounts shall be displayed within parentheses.);
 - 6) Ending State deferred tax balance;
 - 7) Average State deferred tax balance (if a future test year is being used);
 - 8) Beginning federal deferred tax balance (Identify as either a debit or credit amount. Credit amounts shall be displayed within parentheses.);

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- 9) Ending federal deferred tax balance;
 - 10) Average federal deferred tax balance (if a future test year is being used);
 - 11) Beginning total deferred tax balance;
 - 12) Ending total deferred tax balance; and
 - 13) Average total deferred tax balance (if a future test year is being used).
- d) Accumulated deferred income taxes attributable to the accelerated depreciation of public utility property may be summarized into one component for each major account.

Section 285.2085 Schedule B-9.1: Detailed Listing of Balance Sheet Assets and Liabilities

- a) Provide information for the balance sheet asset and liability accounts associated with each component of accumulated deferred income taxes listed on Schedule B-9 for the test year.
- b) Information provided shall include (If the future test year average plant-in-service is calculated using monthly balances, then provide the monthly balances for each component of accumulated deferred income taxes and compute the average based upon the monthly balances.):
 - 1) The component of accumulated deferred income taxes listed on Schedule B-9;
 - 2) ICC Account number for the balance sheet asset or liability account associated with the component of accumulated deferred income taxes;
 - 3) Utility's account number for the balance sheet asset or liability account associated with the component of accumulated deferred income taxes;
 - 4) Beginning balance of the asset or liability;
 - 5) Ending balance of the asset or liability;
 - 6) Average balance (if a future test year is being used); and
 - 7) An indication of whether each asset or liability is included in rate base.

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- c) For each asset or liability listed, provide as work papers supporting this schedule:
 - 1) A description of the rationale for including or not including the test year balance of this asset or liability in rate base;
 - 2) The work papers supporting the computation of accumulated deferred income taxes for this asset or liability; and
 - 3) The work papers supporting the calculation pertaining to the test year change in the amount of accumulated deferred income taxes attributable to this asset or liability.
- d) The balance sheet components pertaining to the accumulated deferred income taxes attributable to the accelerated depreciation of public utility property may be summarized into a single component for each major account of accumulated deferred income taxes.
- e) If a corresponding balance sheet asset or liability account does not exist for a particular component (e.g., basis difference) of accumulated deferred income taxes, provide a description of the events and circumstances that created this particular component of accumulated deferred income taxes.

Section 285.2095 Schedule B-10: Deferred Charges

Provide information concerning each deferred charge item included in rate base for each of the three years immediately preceding the test year and the test year:

- a) Description;
- b) Time period charges were recorded;
- c) Amortization period;
- d) ICC Docket Nos., if any, authorizing recording and/or recovery of the deferred charge;
- e) Deferred charge balance at beginning of year;
- f) Deferred charge balance at end of year;
- g) Deferred charge balance in rate base; and

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- h) Amortization expense.

Section 285.2100 Schedule B-11: Property Held for Future Use Included in Rate Base

- a) List all property held for future use included in rate base on Schedule B-1. Listed property shall not include any item included in plant in service in rate base at the pro forma balance on Schedule B-1.
- b) Information provided shall include:
 - 1) Description and location of property;
 - 2) Date of acquisition;
 - 3) Original cost;
 - 4) Accumulated depreciation;
 - 5) Net original cost;
 - 6) Revenue included in test year:
 - A) Amount;
 - B) Account number;
 - C) Description;
 - 7) Expenses included in test year:
 - A) Amount;
 - B) Account number;
 - C) Description;
 - 8) Planned or expected in-service date; and
 - 9) Planned or expected use of property.

Section 285.2105 Schedule B-12: Analysis of Activity in Property Held for Future Use

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- a) Provide an analysis of activity in the account, Property Held for Future Use, for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided shall include:
 - 1) Year;
 - 2) Beginning balance;
 - 3) Additions;
 - 4) Transfers;
 - 5) Ending balance;
 - 6) Revenue realized from property; and
 - 7) Expenses incurred on property.
- c) Supporting work papers shall include an explanation of all additions and transfers. This description shall include:
 - 1) Description of property;
 - 2) Description of transaction; and
 - 3) Amount.

Section 285.2110 Schedule B-13: Customer Deposits

For each of the three consecutive years immediately preceding the test year and the test year, provide jurisdictional customer deposit monthly balances, amount of interest accrued, and the interest account that is charged.

Section 285.2115 Schedule B-14: Budget Payment Plan Balances

- a) For each month of the three consecutive years immediately preceding the test year and the test year, provide jurisdictional budget payment plan information. A budget payment plan is any plan offered by a utility that is intended to equalize a customer's monthly payments for utility service.

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- b) Information provided shall include:
 - 1) Monthly balances;
 - 2) Amount of interest accrued; and
 - 3) Account charged.

Section 285.2200 Schedule B-15: Additions to and Transfers from Customer Advances and Contributions in Aid of Construction - Water and/or Sewer Utilities

- a) Provide detail of activity in the customer advances account and the contributions in aid of construction account for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided shall include:
 - 1) Balance of each account at beginning of the period;
 - 2) Amount of additions during the year;
 - 3) Amount of refunds during the year;
 - 4) Amount of transfers during the year; and
 - 5) Balance of account at end of period.

SUBPART F: OPERATING INCOME SCHEDULES

Section 285.3000 Operating Income Instructions

- a) Account classifications. All utilities shall comply with the applicable Uniform System of Accounts (83 Ill. Adm. Code 415, 505, 605, 650, or 710). Schedules shall not include revenues and expenses resulting from non-regulated activities.
- b) Schedules shall present information on a total company basis and on an applicable service basis, unless otherwise specified. If the utility maintains separate books for each service area for which separate tariffs exist (e.g., district, division, etc.), the schedules shall present information for each service area for which a change in rates is requested. In addition, if common rates are requested for a service area for which separate tariffs currently exist, the utility shall present information for each service area requesting common rates and the combined service areas

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requesting common rates.

- c) Separate operating income schedules must be provided for each applicable service and for each service area for which separate tariffs exist (e.g., district, division, etc.) where a requested increase in rates is being proposed for each, or separate service area.
- d) All schedules shall reflect data for comparable 12 month periods ending on the same ending date as the ending date of the test year.
- e) If a historical test year is proposed by the utility, the information required by the specified Sections shall be provided for the test year and each of the three consecutive years immediately preceding the test year. If a future test year is proposed by the utility, the information required by the following Sections shall be provided for the test year and each of the three consecutive years immediately preceding the test year. The Sections affected by this requirement are Sections 285.3025, 285.3135, 285.3160, 285.3220, and 285.3225.

Section 285.3005 Schedule C-1: Jurisdictional Operating Income Summary

- a) Schedule C-1 shall present, by ICC Account with appropriate subtotals, data for the jurisdiction for which a rate increase is requested for the test year. Where rates are being sought for more than one type of utility service (e.g., electric and gas, water and sewer) or different rates are being sought for different service areas (e.g., district, division), a separate Schedule C-1 shall be provided for each utility service type and/or service area.
- b) The presentation of the operating income statement shall include ICC Account number, the account description, the unadjusted total company balance at present rates, the total of all adjustments, the jurisdictional balance at present rates, the requested rate increase, and the jurisdictional pro forma at proposed rates. The source for the unadjusted balance at present rates shall be the general ledger for a historical test year or the utility's forecast for a future test year (see 83 Ill. Adm. Code 287). The jurisdictional balance for each item shall represent the amount attributable to the provision of services to jurisdictional customers.
- c) Information provided by major categories shall include, but is not limited to, the following:
 - 1) Operating revenue;

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- 2) Operation and maintenance expenses;
- 3) Depreciation expense;
- 4) Taxes other than income;
- 5) Federal income taxes;
- 6) State income taxes;
- 7) Total operating expenses; and
- 8) Income available from jurisdictional operations.

Section 285.3010 Schedule C-2: Summary of Utility Proposed Adjustments to Operating Income

Provide individual adjustments to operating income included within the aggregated total adjustment amount reflected on Schedule C-1. Each adjustment shall indicate the impact upon each element of operating income. Reference each adjustment to the appropriate supporting schedule. The adjustment to remove the non-jurisdictional portion, if appropriate, shall be included within the aggregated total adjustment.

Section 285.3015 Schedules C-2.1, 2, 3, etc.: Detailed Adjustments to Operating Income

- a) Provide for each proposed adjustment included on Schedule C-2 a separate schedule showing:
 - 1) The title of adjustment;
 - 2) Description of the adjustment;
 - 3) Summary calculations supporting the adjustment;
 - 4) Reference to supporting work paper; and
 - 5) Adjustment amounts by ICC Account.
- b) Provide work papers supporting each adjustment.

Section 285.3020 Schedule C-3: Sales Statistics

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- a) Provide information on sales statistics by customer classification for the most recent three historical years and the test year.
- b) Information provided for each customer classification shall include:
 - 1) Total company revenues;
 - 2) Total company sales volume;
 - 3) Revenues derived from sales subject to the jurisdiction of the Commission; and
 - 4) Volume of sales subject to the jurisdiction of the Commission.

Section 285.3025 Schedule C-4: Comparative Operating Income Statements for Prior Years and the Test Year

- a) Provide comparative operating income statements by ICC Account number, with operation and maintenance shown by individual operation and maintenance expense account (or by utility responsibility area, budget item, or utility account number, if utility responsibility areas, budget items, or account numbers are in similar detail or greater detail when compared to ICC Account numbers). The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e).
- b) Information provided for each year shall include:
 - 1) Account number;
 - 2) Account description; and
 - 3) Account balance.

Section 285.3035 Schedule C-5: Income Taxes

- a) Provide the calculation of federal and State income tax expense. Include an itemization of all differences between operating income shown on Schedule C-1 and taxable income as shown on this schedule. Present in detail the computations of the test year income taxes showing additions and deductions to book results, all deferred taxes, investment tax credits generated, investment tax credits amortized, and resultant current provisions for income taxes.

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- b) A utility whose Illinois State income taxes are filed with the Illinois Department of Revenue as a member of a unitary business group shall provide:
 - 1) Data supporting the utility's apportionment factor in work papers supporting this schedule; and
 - 2) An explanation of the utility's calculation of its test year State income tax rate including a description of the use of the utility's apportionment factor in the calculation of the test year State income tax rate.

Section 285.3040 Schedule C-5.1: Consolidated Federal Income Tax Return

If the utility is part of an affiliated group of companies and its federal income tax return is filed as part of a consolidated federal income tax return, provide statements describing:

- a) The procedure used to allocate the consolidated federal income tax liability;
- b) The benefits, if any, of the consolidated filing of the federal income tax return to the utility; and
- c) The impact of the benefits, if any, of filing the consolidated federal income tax return on the utility's books.

Section 285.3045 Schedule C-5.2: Deferred Income Tax Expense

Provide a detailed schedule showing the calculation of deferred income tax expense presented on Schedule C-5.

Section 285.3050 Schedule C-5.3: Differences between Book and Tax Depreciation

Provide a schedule showing the calculation of the differences between book and tax depreciation for the test year and the calculation of the deferred income taxes attributable to these differences.

Section 285.3055 Schedule C-5.4: Interest Synchronization

- a) Provide a schedule calculating synchronized interest and the components of interest expense that was used for computing test year income tax expense.
- b) Information provided for the calculation of synchronized interest shall include:
 - 1) Original cost rate base;

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- 2) Weighted cost of debt; and
 - 3) Synchronized interest.
- c) Information provided for components of interest expense that was used for computing test year income tax expense shall include:
- 1) ICC Account number;
 - 2) Utility's account number;
 - 3) Description of interest expense item; and
 - 4) Amount.
- d) The amounts shall be aggregated. The total amount is the amount of interest expense used in calculating test year income taxes. If the amount of synchronized interest is the only interest amount used in the computation of test year income taxes, the utility needs to provide only the information required by subsection (b).

Section 285.3060 Schedule C-5.5: Investment Tax and Job Development Credits

For the test year, provide a schedule of additions to and amortization of unamortized investment tax credits and job development credits.

Section 285.3065 Schedule C-6: Social and Service Club Membership Dues

- a) Provide the social and service club membership dues for each of the three consecutive years immediately preceding the test year for the total company, the test year for the total company, and the test year jurisdictional pro forma at proposed rates on Schedule C-1.
- b) Information provided shall include:
 - 1) Account number;
 - 2) Account description;
 - 3) Payee;
 - 4) Amount; and

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- 5) Purpose and nature of the organization.
- c) Items under \$1,000 each may be provided in total.
- d) Items charged to non-operating expenses may be listed in the aggregate.

Section 285.3066 Schedule C-6.1: Industry Association Dues

- a) Provide the industry association dues for each of the three consecutive years immediately preceding the test year for the total company, the test year for the total company, and the test year jurisdictional pro forma at proposed rates on Schedule C-1.
- b) Information provided shall include:
 - 1) Account number;
 - 2) Account description;
 - 3) Payee;
 - 4) Amount; and
 - 5) Purpose and nature of the organization.
- c) For utilities with annual revenues of \$25 million and less, items under \$50,000 need not be reported individually and, for utilities with annual revenues of more than \$25 million, items under \$250,000 need not be reported individually.
- d) Items charged to non-operating expenses may be listed in the aggregate.

Section 285.3068 Schedule C-6.2: Expenses for Outside Professional Services

- a) Provide the expenses for outside professional services, except for services provided by affiliated interests, for each of the three consecutive years immediately preceding the test year for the total company, the test year for the total company, and the test year jurisdictional pro forma at proposed rates on Schedule C-1.
- b) Information provided shall include:
 - 1) Account number;

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- 2) Account description;
 - 3) Payee;
 - 4) Amount; and
 - 5) Purpose and nature of the outside service provided.
- c) Items under \$50,000 each may be provided in total.
 - d) Items charged to non-operating expenses may be listed in the aggregate.

Section 285.3070 Schedule C-7: Charitable Contributions

- a) Provide the charitable contributions for each of the three consecutive years immediately preceding the test year for the total company, the test year for the total company, and the test year jurisdictional pro forma at proposed rates reflected on Schedule C-1.
- b) Information provided shall include:
 - 1) Account number;
 - 2) Account description;
 - 3) Payee;
 - 4) Amount; and
 - 5) Purpose and nature of the organization.
- c) Items under \$5,000 each may be provided in total.
- d) Items charged to non-operating expenses may be listed in the aggregate.

Section 285.3075 Schedule C-8: Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses

- a) Provide information on demonstration and selling, advertising, and miscellaneous sales expenses for the test year.
- b) Information provided shall include:

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- 1) Account number;
 - 2) Account description;
 - 3) Test year expense;
 - 4) Ratemaking adjustments for disallowable political, promotional, goodwill and institutional advertising; and
 - 5) Expense included on Schedule C-1 to derive pro forma operating income at present rates.
- c) Work papers for electric and gas utilities shall support the amount provided for in accordance with the requirements of 83 Ill. Adm. Code 295.40.
- d) Work papers for telecommunications carriers, water, and sewer utilities shall include copies of advertising programs and scripts supporting the total amount provided.

Section 285.3080 Schedule C-9: Civic, Political and Related Activities

- a) List the total expenditures reported under the Lobbyist Registration Act [25 ILCS 170] for each of the two consecutive years immediately preceding the test year for the total company, projected for the test year for the total company, and test year jurisdictional pro forma at proposed rates on Schedule C-1. See Section 9-224 of the Act [220 ILCS 5/9-224].
- b) List the total expenditures made for political activity, monitoring of legislation and influencing legislation that are identified in subsection (a).
- c) Information required by subsections (a) and (b) shall be provided for the test year jurisdictional pro forma at proposed rates on Schedule C-1 in the following format:
- 1) Account number;
 - 2) Account description;
 - 3) Payee;
 - 4) Amount; and

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- 5) Purpose and nature of recipient of expenditure.
- d) Items under \$5,000 each may be provided in total.

Section 285.3085 Schedule C-10: Rate Case Expense

- a) Provide detail of the total projected expenses associated with the instant rate case as to those expenses that the utility is seeking to recover in its proposed rates. The detail shall include the expenses of the instant rate case and the amount included in test year jurisdictional operating expense at proposed rates on Schedule C-1 for the following categories:
 - 1) Outside consultants or witnesses;
 - 2) Outside legal services;
 - 3) Paid overtime;
 - 4) Other expenses; and
 - 5) Total expense.
- b) The information provided for each outside consultant or witness and each outside legal service shall include:
 - 1) Name;
 - 2) Estimated fee;
 - 3) Basis of charge;
 - 4) Travel expenses;
 - 5) Other expenses;
 - 6) Projected total expenses of instant rate case;
 - 7) Type of service rendered;
 - 8) Specific service rendered; and
 - 9) Amount included in test year jurisdictional operating expense at proposed

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rates on Schedule C-1.

- c) Provide by footnote:
 - 1) A description of the costs associated with the category, other expenses, and
 - 2) An explanation of the calculation of the costs associated with the category, paid overtime.
- d) If amortization of previous rate case expenses are included within test year jurisdictional operating expense at proposed rates on Schedule C-1, provide the amount of amortization expense associated with each rate case by docket number.

Section 285.3090 Schedule C-10.1: Rate Case Expense Comparisons

- a) Provide a comparison of current rate case expense with the rate case expense of the utility's last rate case filed with this Commission.
- b) Information provided shall include:
 - 1) Description of the previous rate case, specifically, the applicable service for which the change in rates was sought;
 - 2) Outside consultants or witnesses;
 - 3) Outside legal services;
 - 4) Paid overtime;
 - 5) Other expenses; and
 - 6) Total expense.
- c) If the comparison indicates a 20% or greater difference between the actual cost of the previous case and the projected cost of the current case, provide an explanation of the difference.

Section 285.3105 Schedule C-11.1: Direct Payroll by Function

Provide the total direct payroll charged to the following categories for the three consecutive years immediately preceding the test year and the test year ("E" denotes information applicable

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to electric utilities; "(G)" denotes information applicable to gas utilities; "(W)" denotes information applicable to water and/or sewer utilities; and "(All)" denotes information applicable to all utilities.):

- a) Power production (E), Gas supply (G), Source of supply (W);
- b) Transmission (E), Storage (G), Water treatment (W);
- c) Distribution (E & G), Transmission and Distribution (W);
- d) Customer accounts (All);
- e) Sales (All);
- f) Administrative and General (All);
- g) Total payroll charged to expense (sum of items in subsections (a) through (f));
- h) Total payroll charged to construction; and
- i) Total payroll (sum of items in subsections (g) and (h)).

Section 285.3115 Schedule C-11.2: Number of Employees

- a) Schedule C-11.2 shall provide the actual number of employees, or an estimate if actual data do not exist, by department for each month of the three consecutive years immediately preceding the test year and the test year. Information shall include:
 - 1) Number of full time employees;
 - 2) Number of part time employees;
 - 3) Number of full time equivalents for part time employees (i.e., if a full time employee is defined as working 40 hours per week, then part time, non-overtime hours divided by 40 would yield the number of full time equivalents); and
 - 4) Total full time equivalents (sum of items in subsections (a)(1) and (a)(3)).
- b) Schedule C-11.2 shall list the authorized number of employees by department included in each month of the three consecutive years immediately preceding the

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test year, for which actual data exists, and the test year. Authorized number is defined as that number of positions authorized and approved by the company's officers and/or board of directors to be hired or filled during that month.

Information shall include:

- 1) Number of full time employees;
- 2) Number of part time employees;
- 3) Number of full time equivalents for part time employees (i.e., if a full time employee is defined as working 40 hours per week, then part time, non-overtime hours divided by 40 would yield the number of full time equivalents); and
- 4) Total full time equivalents (sum of items in subsections (b)(1) and (b)(3)).

Section 285.3135 Schedule C-11.3: Employee Benefits

- a) Provide a listing of all benefits provided to employees other than wages and salaries. For purposes of this Section, employment taxes and worker's compensation insurance expense are not employee benefits. The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e).
- b) Information provided shall include:
 - 1) A description of the employee benefit may include, but is not limited to, insurance coverage, including health, dental, life, etc., employee welfare programs, such as savings plans, education, etc., and other benefits;
 - 2) For each benefit, identify the employee classification (e.g., all executives, all union, pipefitters local, salaried, etc.) receiving the benefit;
 - 3) Cost associated with each benefit;
 - 4) Total cost of all benefits;
 - 5) Amount expensed for all benefits;
 - 6) Percentage of total benefits expensed;
 - 7) Amount capitalized for all benefits; and

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- 8) Percentage of total benefits capitalized;
- c) Information provided for each employee benefit listed in subsection (b) for the test year shall include:
 - 1) Amount capitalized;
 - 2) Percentage capitalized;
 - 3) Amount expensed; and
 - 4) Percentage expensed.

Section 285.3140 Schedule C-11.4: Reconciliation of Estimated Overhead and Clearing Costs with Actual Costs

For utilities that record estimates of overhead and clearing costs, provide a reconciliation of the estimated overhead and clearing costs with the actual overhead and clearing costs for each of the three consecutive years immediately preceding the test year for which actual data exists.

Section 285.3145 Schedule C-12: Depreciation Expense

- a) Provide the calculation of depreciation expense by functional account grouping of plant in service for the test year and each of the three consecutive years immediately preceding the test year.
- b) Information provided shall include:
 - 1) Functional account grouping;
 - 2) Account description;
 - 3) Amount of plant investment to which depreciation rate is applied;
 - 4) Composite depreciation rate; and
 - 5) Depreciation expense.
- c) Supporting work papers shall provide the assumptions used to derive the composite depreciation rate for the test year.

Section 285.3150 Schedule C-13: Summary of Affiliated Interest Transactions

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- a) Provide a list of all affiliated interest transactions for each of the three consecutive years immediately preceding the test year and the test year. Also, provide information on any contracts for future years. Items similar in nature and reoccurring may be grouped as a single line item.
- b) Information provided shall include:
 - 1) Date of transaction or transaction period and company or individual;
 - 2) Nature of transactions;
 - 3) Dollar amount of transactions; and
 - 4) Docket number granting approval.

Section 285.3155 Schedule C-14: Operating Leases

- a) List all operating leases for which the annual expense to be charged to operating expense or expected to be charged to operating expense is the greater of either \$150,000 or .1% of the total operations and maintenance expense for the respective year for each of the three consecutive years immediately preceding the test year and the test year. Information provided for each listed operating lease shall include:
 - 1) ICC Account charged with the lease expense;
 - 2) Description of leased property;
 - 3) Amount of annual lease expense; and
 - 4) Period of lease agreement.
- b) Provide the total annual lease expense of all operating leases for each of the three consecutive years immediately preceding the test year and the test year.

Section 285.3160 Schedule C-15: Major Maintenance Projects

- a) By function, list all maintenance projects included in jurisdictional operating expense with a cost exceeding the lesser of \$500,000 or 1% of the operations and maintenance expenses for that function. The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e).

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- b) A "maintenance project" is defined as a specific undertaking or assignment related to the maintenance of the utility's system; e.g., the internal sealing of a particular segment of main, the repainting of tanks, the refurbishing of a particular area of a facility, etc., that represents a level of activity beyond normal maintenance activity.
- c) Information provided shall include:
 - 1) Description of, and reason for, the project;
 - 2) Facility on which the maintenance is being performed;
 - 3) Project dates;
 - 4) Total project cost;
 - 5) Amount expensed in test year;
 - 6) Amount expensed in prior year;
 - 7) ICC expense account number; and
 - 8) Date of last similar maintenance performed on the same facility.

Section 285.3165 Schedule C-16: Uncollectible Expense

- a) Provide information on jurisdictional uncollectible expense for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided shall include:
 - 1) The method of determining uncollectible expense. If using the percent of revenue method, include:
 - A) Revenue used in calculation;
 - B) Uncollectible expense; and
 - C) Uncollectible expense as a percentage of revenue.
 - 2) Activity in the Allowance for Bad Debts:

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- A) Beginning of year balance;
 - B) Reserve accrual;
 - C) Write-offs during the year;
 - D) Recoveries during the year;
 - E) Adjustments;
 - F) Explanation of adjustment; and
 - G) End of the year balance.
- 3) Expense in the test year and each of the three consecutive years immediately preceding the test year for all outside collection agencies.
- c) Provide a summary of each current collection agency's contract and the results obtained from the efforts to collect from those contracts.

Section 285.3170 Schedule C-17: Insurance Expense

- a) List all insurance policies to which the utility has been a party for each of the three consecutive years immediately preceding the test year or will be a party in the test year. Insurance policies shall include both group insurance and insurance on operations.
- b) The information provided shall include:
 - 1) Name of carrier;
 - 2) Type of policy;
 - 3) Amount of coverage;
 - 4) Annual premium;
 - 5) Deductible; and
 - 6) Claims.
- c) If self insured, provide a description of all self insurance.

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Section 285.3175 Schedule C-18: Taxes Other Than Income Taxes

- a) Provide a listing of all taxes other than income for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided for each type of tax shall include:
 - 1) Type of tax;
 - 2) Amount charged to operating expense;
 - 3) Amount charged to clearing accounts;
 - 4) Amount charged to construction;
 - 5) Other; and
 - 6) Total tax recorded.
- c) Supporting work papers shall include the calculation of the average balance of accrued property taxes for each of the three consecutive years immediately preceding the test year and the test year. The calculation shall list monthly balances used to derive the average balance.

Section 285.3180 Schedule C-19: Property Taxes

- a) Provide a schedule of property taxes for each of the three consecutive years immediately preceding the test year and the test year.
- b) Information provided shall include:
 - 1) Amount charged to operating expenses; and
 - 2) Account number.

Section 285.3185 Schedule C-20: Local Taxes, Municipal Taxes, and Franchise Taxes

- a) For each of the three consecutive years immediately preceding the test year and the test year, provide a schedule of all local taxes, municipal taxes, and franchise taxes embedded in tariffed rates, except for property taxes that are provided on Schedule C-19 and the add-on taxes provided on Schedule C-25. Each type of tax or fee may be aggregated; if the utility aggregates each type of tax or fee, the

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utility shall also provide, for each type of tax or fee, the specific details for the ten largest amounts passed on to customers.

- b) Information provided shall include:
- 1) Description and location of tax;
 - 2) Taxing authority;
 - 3) Effective tax rate;
 - 4) Basis;
 - 5) Total tax assessed to utility;
 - 6) Amount passed on to customers;
 - 7) Amount charged to operating expenses;
 - 8) ICC Account;
 - 9) Foregone discounts, collection fees, or accounting fees; and
 - 10) Explanation of foregone discounts, collection fees, or accounting fees.
- c) Provide a reconciliation of taxes other than income at present rates for the test year reflected on Schedule C-1 with the total test year taxes reflected on Schedules C-19, C-20, and C-25.

Section 285.3190 Schedule C-21: Miscellaneous General Expenses

- a) Provide a comparison of miscellaneous general expenses for each of the three consecutive years immediately preceding the test year for the total company, the test year for the total company, and test year jurisdictional pro forma at proposed rates on Schedule C-1. For electric and gas utilities, the comparison is required for Account 930.2. For water and/or sewer utilities, the comparison is required for Account 675. For telecommunications carriers, the comparison is required for Account 6720.
- b) Expenses shall be aggregated by type with the total expense for each type shown for each year.

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- c) Items charged to non-operating expenses may be listed in the aggregate.

Section 285.3215 Schedule C-22: Cost Savings Programs

- a) Provide information concerning any cost savings program that is anticipated to result in annual jurisdictional savings in excess of the lesser of \$1,000,000 or .1% of operations and maintenance expenses in the year preceding the initiation of the program and whose initial costs are sought to be recovered in the test year.
- b) Information provided shall include:
 - 1) Title;
 - 2) Description;
 - 3) Date of implementation;
 - 4) Initial start up costs to implement program;
 - 5) Costs to be incurred for each year of the next three years; and
 - 6) Annual savings expected for each of the next three years.

Section 285.3220 Schedule C-23: Miscellaneous Operating Revenues

- a) Provide information concerning miscellaneous operating revenues by ICC Account number. The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e).
- b) Information provided shall include:
 - 1) ICC Account number;
 - 2) Account description; and
 - 3) Amount.

Section 285.3225 Schedule C-24: Legal Expense and Reserves

- a) Provide an analysis of the reserve for outstanding lawsuits, claims, etc., included in rate base. The number of years of information provided shall be according to the test year proposed as directed in Section 285.3000(e).

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- b) The following information should be provided:
- 1) Year;
 - 2) Account number or subaccount number for each reserve;
 - 3) Description of reserve;
 - 4) Balance at beginning of year;
 - 5) Additions to reserve;
 - 6) Amounts charged to legal expense;
 - 7) Other; and
 - 8) Balance at end of year.

Section 285.3230 Schedule C-25: Add-On Taxes

- a) For each applicable service, provide information for add-on taxes, defined as those taxes other than income that are not recovered in tariffed rates, for each taxing authority or group of taxing authorities listed in subsection (b) at the following rates. Explain the method by which add-on taxes have been excluded from revenues at proposed rates as reflected on Schedule C-1:
- 1) The unadjusted test year amounts at present rates. State whether, or not, add-on taxes are included in revenues as reflected on Schedule C-1; and
 - 2) The pro forma test year amounts at proposed rates.
- b) Information shall be provided for the following taxing authorities:
- 1) Municipalities (Provide aggregated amounts for all municipal add-on taxes.);
 - 2) State (Provide amounts for each type of add-on tax.); and
 - 3) Other (Provide amounts for each type of add-on tax levied by other taxing authorities.).
- c) Information provided shall include:

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- 1) Amount recorded as revenue that represents add-on tax receipts from ratepayers;
- 2) Amount recorded as expense that represents distributions of add-on taxes to taxing authority; and
- 3) Accounting fees collected.

Section 285.3235 Schedule C-26: Amortization of Deferred Charges

- a) Provide information on each deferred charge item amortized against operating income for each of the three consecutive years immediately preceding the test year and the test year.
- b) For each deferred charge, the information provided shall include:
 - 1) Description;
 - 2) Time period charges were recorded;
 - 3) Amortization period;
 - 4) ICC Docket Nos., if any, authorizing recording and/or recovery of the deferred charge;
 - 5) Deferred charge balance at beginning of year;
 - 6) Deferred charge balance at end of year; and
 - 7) Amortization expense.

Section 285.3300 Schedule C-27: Fuel Adjustment Clause Revenues and Expenses – Electric Utilities

- a) Provide a comparison of the revenues derived from the uniform fuel adjustment clause (UFAC) and fuel costs recoverable through the UFAC included within the applicable service operating income at proposed rates reflected on Schedule C-1.
- b) Information provided shall include:
 - 1) Test year UFAC revenues;

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- 2) Test year base fuel cost revenues;
- 3) Test year UFAC recoverable expenses; and
- 4) Number of units sold.

Section 285.3305 Schedule C-28: Fuel Transportation Expense -Electric Utilities

Provide the fuel transportation expense for electric utilities by coal contract for each of the three consecutive years immediately preceding the test year and the test year.

Section 285.3310 Schedule C-29: Decommissioning Expense - Electric Utilities with Nuclear Facilities

Provide a comparison of revenues and decommissioning expense included within the pro forma jurisdictional operating income at proposed rates reflected on Schedule C-1. Information provided shall include:

- a) Test year revenues realized from the decommissioning rider; and
- b) Test year decommissioning expense.

Section 285.3400 Schedule C-30: Purchased Gas Adjustment Clause Revenues and Expenses – Gas Utilities

- a) Provide a comparison of revenues derived from the purchased gas adjustment (PGA) clause and gas costs recoverable through the PGA included within the jurisdictional operating income at proposed rates reflected on Schedule C-1.
- b) Information provided shall include:
 - 1) Test year PGA revenues;
 - 2) Test year PGA recoverable expenses; and
 - 3) Number of units sold.
- c) Indicate by footnote the accounting treatment of demand charges associated with storage gas.

Section 285.3500 Schedule C-31: Competitive Services

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- a) Provide information on all competitive services, as defined for the particular utility in the Act, provided for the test year.
- b) Information shall be provided for each competitive service and shall include:
 - 1) A description of the competitive service; and
 - 2) An indication of when the utility began offering the competitive service.

Section 285.3600 Schedule C-32: Non-utility Operations

- a) Provide information on all non-utility operations for the test year.
- b) Information shall be provided for each non-utility operation and shall include:
 - 1) A description of the non-utility operation; and
 - 2) An indication of when the utility began engaging in the non-utility operation.

Section 285.3700 Schedule C-33: Billing Experiments (Applicable only to utilities requesting a change in rates for the provision of electric service) Section 1.01

- a) Provide information on all experiments for the provision or billing of services conducted pursuant to 220 ILCS 5/16-106 for the test year.
- b) Annual information shall be provided for each experiment and shall include:
 - 1) A description of the experiment;
 - 2) The date the utility, pursuant to Section 16-106 of the Act [220 ILCS 5/16-106], filed with the Commission its statement describing the program; and
 - 3) The program's estimated effect, if any, upon the requested rates.

SUBPART G: RATE OF RETURN SCHEDULES

Section 285.4000 Rate of Return Instructions

- a) Capital structure measurement period. A company may elect to use either an historical or forecasted capital structure measurement period.

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- 1) Historical capital structures. Average balances in an historical capital structure measurement period shall comprise either the latest consecutive 12 month period or the latest calendar or fiscal year for which actual data are available at the time of filing new tariffs. An historical capital structure comprising balances of long-term debt, preferred stock, and common equity measured as of a single date shall reflect the latest date or the end of the latest calendar or fiscal year for which actual data are available at the time of filing new tariffs.
 - 2) Forecasted capital structures. Average balances in a forecasted capital structure shall reflect any consecutive 12 month period beginning no earlier than the date new tariffs are filed and ending no later than 24 months after the date new tariffs are filed. A forecasted capital structure comprising balances of long-term debt, preferred stock, and common equity from a single date shall reflect any date beginning no earlier than the end of the last calendar or fiscal year for which actual data are available at the time of filing new tariffs and ending no later than 18 months after the date new tariffs are filed.
- b) Measurement. Components of the capital structure must be presented on a consistent basis with respect to the capital structure, measurement period, and method (i.e., net proceeds or internal rate of return method). If one or more adjustments for known and measurable changes affecting capital structure are made, all other known and measurable changes that would affect capital structure shall be made as well. The balance of short-term components of the capital structure shall be calculated from 12 months of average monthly balances. Utilities may elect to base the long-term components of the capital structure on either average or end-of-period balances. For those utilities electing an average capital structure, average balances for each source of capital included in the capital structure, excepting individual security issuances and retirements, shall be calculated from 12 months of average monthly balances. Individual security issuances and retirements shall be time-weighted. Each monthly average shall equal the simple average of the beginning and ending monthly balances. However, monthly data need not be presented for debt and preferred stock issues that do not change during the capital structure measurement period or that change by equal monthly amounts.
- c) Applicability
- 1) Excepting those utilities exempted under Section 285.120(b)-(d), Sections

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285.4000 through 285.4070 and 285.4090 are applicable to all utilities.

- 2) Excepting those utilities exempted under Section 285.120(b)-(d), Sections 285.4080 and 285.4090(d) are applicable to utilities with \$7,500,000 or more of annual total revenue.
- d) All data required under this Subpart shall be provided on a total company basis unless otherwise indicated.

Section 285.4010 Schedule D-1: Cost of Capital Summary

- a) The utility shall provide a summary calculation of the weighted average cost of capital on a total company and jurisdictional basis; however, jurisdictional data is not required if the weights and costs of the components of the capital structure do not differ from total company data. Short-term debt shall be included in the capital structure unless the utility demonstrates that short-term debt is entirely financing assets, such as CWIP or seasonal working capital, that are not included in the utility's rate base. For all classes shown, the amount, percentage of total, percentage cost, and weighted cost shall be provided. A summary shall be provided for each year from and including the last completed calendar or fiscal year through the capital structure measurement period. If the cost of capital shown on Schedule D-1 is not the same as that shown on Schedule A-2 required by Section 285.1005(a)(4), the utility shall provide an explanation for the difference.
- b) The following supporting work papers and documents shall accompany Schedule D-1:
 - 1) Monthly balances for common equity for the most recent calendar or fiscal year through the end of the capital structure measurement period. Utilities using forecasted data that reflect proposed rates shall present both separate monthly balances for common equity at present rates and the monthly change in common equity produced by the proposed rates. Identify actual and forecasted data;
 - 2) A description of the company's capital structure objectives. If the company has conducted a study of those objectives, the company shall also provide a copy of that study;
 - 3) A separate description of each adjustment made to exclude any increment to the utility's cost of capital directly or indirectly resulting from the direct

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or indirect investment, loan, guarantee, or advance of moneys, property, or other resources to affiliates engaged in unregulated or non-utility activities. The utility shall also describe how its adjustments remove that increment to its cost of capital. If the utility believes no such adjustment to its rate of return is necessary, it shall describe the reasons for that belief; and

- 4) A separate list of amounts invested in each unregulated and non-utility affiliate for each year from and including the last calendar or fiscal year through the capital structure measurement period.
- c) Additional informational requirements for forecasted capital structures only:
- 1) The weighted average cost of capital may be calculated using either present or proposed rates. In the latter case, however, the utility shall also present the schedules required in Subpart G based upon present rates if the choice of present or proposed rates affects the data incorporated in those schedules.
 - 2) The following schedules shall be provided if not already provided pursuant to Subpart J:
 - A) Schedule D-1.1 shall provide the data described in Section 285.7005(a);
 - B) Schedule D-1.2 shall provide the data described in Section 285.7010(a);
 - C) Schedule D-1.3 shall include the principal assumptions used in preparing the forecasted capital structure data; and
 - D) Schedule D-1.4 shall provide the data described in Section 285.7015(a). Schedule D-1.4 shall also explain any differences between the assumptions and methodologies used in the forecasted data reflected in Schedule D-1 and the assumptions and methodologies used in forecasts prepared for management or other entities.

Section 285.4020 Schedule D-2: Cost of Short-term Debt

- a) Provide the cost of any short-term debt in Schedule D-2, even if short-term debt is

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not included in the capital structure provided in Schedule D-1.

- b) From and including the most recently completed calendar or fiscal year through the end of the capital structure measurement period, provide monthly balances of the following with actual and forecasted data identified:
 - 1) Balance of short-term debt;
 - 2) Balance of total CWIP;
 - 3) Balance of CWIP accruing AFUDC; and
 - 4) Net amount outstanding, which equals the greater of:
 - A) subsection (b)(1) less (subsection(b)(1) divided by subsection (b)(2) multiplied by subsection (b)(3)); or
 - B) subsection (b)(1) less subsection (b)(3).
- c) For each type of issue, the following information is required:
 - 1) Type (e.g., commercial paper, line of credit, bank loan);
 - 2) Average original term to maturity;
 - 3) Amount outstanding;
 - 4) Average interest rate;
 - 5) Interest requirement (subsection (c)(3) multiplied by subsection (c)(4)); and
 - 6) Cost of short-term debt (subsection (c)(5) divided by subsection (c)(3)).
- d) Additional instructions:
 - 1) Provide all balances required for Schedule D-2 on a 12 month average basis. Each monthly short-term balance shall be reduced by an amount equal to the concurrent, monthly balance of CWIP accruing AFUDC if the AFUDC rate is set in accordance with the Uniform System of Accounts. However, in no case shall the resulting amount equal less than zero;

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- 2) Provide totals wherever applicable;
 - 3) Describe all special provisions associated with each short-term debt issue (e.g., compensating balance requirements);
 - 4) Do not include long-term debt due within one year; and
 - 5) Interest rates shall equal the annualized rates that the utility paid no more than 60 days prior to the rate filing date or the prevailing or forecasted interest rates on short-term debt of similar risk and terms.
- e) The following supporting work papers or documents shall accompany Schedule D-2:
- 1) Formulas used to set interest rates on variable and adjustable rate issues;
 - 2) Portions of documents describing the manner by which interest rates on variable and adjustable rate debt issues are set (e.g., loan agreements);
 - 3) Documents supporting all interest rates;
 - 4) A description of company policy regarding short-term financing, including its uses, sources (e.g., commercial paper, bank loans, and lines of credit) and limitations (i.e., amount relative to total capital); and
 - 5) Formula and rates of return the company uses to calculate AFUDC rates.

Section 285.4030 Schedule D-3: Embedded Cost of Long-term Debt, including Notes

- a) Provide the embedded cost of any long-term debt, including any notes, on Schedule D-3. The embedded cost of long-term debt shall be provided for each year from and including the last completed calendar or fiscal year through the capital structure measurement period. The utility may choose either the net proceeds or internal rate of return method to calculate the embedded cost of long-term debt.
- b) Utilities selecting the net proceeds method shall provide the following data by issue. Items may not be combined:
 - 1) Debt issue type, coupon rate;
 - 2) Date issued (month, day, year);

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- 3) Maturity date (month, day, year);
 - 4) Principal amount;
 - 5) Face amount outstanding;
 - 6) Unamortized discount or premium;
 - 7) Unamortized debt expense (including gains and losses on reacquired debt);
 - 8) Carrying value (subsection (b)(5) minus subsection (b)(6) minus subsection (b)(7));
 - 9) Annualized coupon interest;
 - 10) Annualized amortization of discount or premium;
 - 11) Annualized amortization of debt expense (including gains and losses on reacquired debt);
 - 12) Annualized interest expense (subsection (b)(9) plus subsection (b)(10) plus subsection (b)(11)); and
 - 13) Embedded cost of long-term debt (subsection (b)(12) divided by subsection (b)(8)).
- c) Utilities selecting the internal rate of return method shall include the following data by issue. Items may not be combined:
- 1) Debt issue type, coupon rate;
 - 2) Date issued (month, day, year);
 - 3) Maturity date (month, day, year);
 - 4) Principal amount;
 - 5) Face amount outstanding;
 - 6) Current proceeds (including gains and losses on reacquired debt);

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- 7) Discount rate;
 - 8) Annual cost (subsection (c)(6) multiplied by subsection (c)(7)); and
 - 9) Embedded cost of long-term debt (subsection (c)(8) divided by subsection (c)(6)).
- d) Additional instructions:
- 1) Provide totals wherever applicable. Provide the embedded cost of long-term debt (subsections (b)(13) and (c)(9)) for totals only.
 - 2) Capital lease obligations shall be included only if the recovery of lease payments is not being requested through operating expense.
 - A) Footnote capital leases excluded from this Schedule.
 - B) For capital leases included in this Schedule, briefly describe the leased property and the financing terms of the lease, including its life, principal payments, and interest rate.
 - 3) Include any compensating balance requirements in unamortized debt discount. Utilities selecting the net proceeds method shall credit annualized amortization of debt discount with any interest or dividends earned on the compensating balance.
 - 4) Gains and losses on reacquired debt.
 - A) Net proceeds method. Utilities selecting the net proceeds method shall amortize gains and losses over the remainder of the reacquired or refunding issue's original term to maturity. Gains and losses on reacquired debt shall be listed, by issue, separately from outstanding debt issues, replacing maturity date (subsection (b)(3)) with the conclusion of the amortization period.
 - B) Internal rate of return method. Utilities selecting the internal rate of return method shall include gains and losses on reacquired debt in either the computation of the discount rate of any refunding issue, if applicable, or by amortizing gains and losses over the remainder of the reacquired or refunding debt issue's original term to maturity. Gains and losses on such reacquired debt shall be listed

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by issue, replacing the annual cost (subsection (c)(8)) with the annualized amortization of gains and losses and maturity date (subsection (c)(3)) with the conclusion of the amortization period, if applicable.

- 5) Include long-term debt due within one year.
 - 6) Interest rates on variable or adjustable rate debt shall equal the annualized rates that the utility paid no more than 60 days prior to the rate filing date or the prevailing or forecasted interest rates on short-term debt of similar risk and terms.
- e) Provide the following work papers or documents supporting Schedule D-3:
- 1) For each variable and adjustable rate debt issue provide the following:
 - A) The formulas used to set the interest rate;
 - B) The portions of documents describing the manner by which the interest rate is set (e.g., indentures, loan agreements);
 - C) The documents supporting the interest rate forecast; and
 - D) The dates of interest rate adjustment.
 - 2) The sinking fund schedule for each issue having such a requirement. This schedule shall include the following data:
 - A) Debt issue;
 - B) Payment date;
 - C) Sinking fund requirement; and
 - D) Optional sinking fund amount (if applicable).
 - 3) Installment payment schedule for each issue having such a requirement. This schedule shall include the following data:
 - A) Debt issue;
 - B) Payment date;

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- C) Installment payment requirement; and
 - D) Optional payment amount (if applicable).
- 4) For each reacquired issue as of the date of its reacquisition, provide the following:
- A) Reacquisition date;
 - B) Face amount retired;
 - C) Call premium;
 - D) Call price;
 - E) Unamortized discount or premium;
 - F) Unamortized debt expense (excluding the call premium);
 - G) Annualized amortization of discount or premium;
 - H) Annualized amortization of debt expense (excluding the call premium); and
 - I) Refunding issue (if applicable).
- 5) For each issue requiring a compensating balance, provide the following:
- A) The amount of the compensating balance;
 - B) The interest earned on the compensating balance; and
 - C) The rate of interest or dividends earned on the compensating balance.
- 6) List the obligations of all persons or entities, non-utility affiliates or otherwise, the repayment of which the utility guarantees in any manner or form. In addition, identify the obligor, the amount of the obligation, including principal and interest, its due date, any consideration received by the utility as guarantor, and the ICC docket number of any order authorizing the contract. Exclude agreements with nuclear fuel lease subsidiaries and financing subsidiaries established solely for the purpose

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of servicing the financial obligations of the utility.

- 7) The calculation of the discount rate for each issue (internal rate of return methodology only, including gains and losses on reacquired debt).

Section 285.4040 Schedule D-4: Embedded Cost of Preferred Stock

- a) Provide the embedded cost of any preferred stock on Schedule D-4. The embedded cost of preferred stock shall be provided for each year from and including the last completed calendar or fiscal year through the capital structure measurement period. The utility may choose either the net proceeds or internal rate of return method to calculate the embedded cost of preferred stock.
- b) Utilities selecting the net proceeds method shall include the following data per issue. Items may not be combined with one another:
 - 1) Dividend rate, type, par value;
 - 2) Date issued;
 - 3) Mandatory redemption date, if applicable;
 - 4) Number of shares outstanding;
 - 5) Par or stated value outstanding;
 - 6) Premium or discount;
 - 7) Issue expense (including gains and losses on stock redemptions, if applicable);
 - 8) Net proceeds (subsection (b)(5) plus subsection (b)(6) minus subsection (b)(7));
 - 9) Annualized amortization of discount or premium, if applicable;
 - 10) Annualized amortization of issue expense (including gains and losses on stock redemptions, if applicable), if applicable;
 - 11) Annualized dividends;
 - 12) Annualized preferred stock expense (subsection (b)(9) plus subsection

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(b)(10) plus subsection (b)(11)); and

- 13) Embedded cost of preferred stock (subsection (b)(12) divided by subsection (b)(8)).
- c) Utilities selecting the internal rate of return method shall include the following data separately (i.e., items may not be combined with one another):
- 1) Dividend rate, type, par value;
 - 2) Date issued;
 - 3) Number of shares outstanding;
 - 4) Par or stated value outstanding;
 - 5) Current proceeds (including gains and losses on stock redemptions, if applicable);
 - 6) Discount rate (i.e., internal rate of return);
 - 7) Annual cost (subsection (c)(5) multiplied by subsection (c)(6)); and
 - 8) Embedded cost of preferred stock (subsection (c)(7) divided by subsection (c)(5)).
- d) Additional instructions:
- 1) Provide totals wherever applicable. Provide the embedded cost of preferred stock (subsections (b)(13) and (c)(8)) for totals only.
 - 2) Include preferred stock sinking fund and other principal payments due within one year.
 - 3) Any gains and losses included in Schedule D-4 shall be listed separately, by issue.
- e) Provide the following work papers or documents supporting Schedule D-4:
- 1) For each variable and adjustable rate preferred stock issue, provide the following:

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- A) The formulas used to set the dividend rate;
 - B) The portions of documents describing the manner by which the dividend rate is set (e.g., prospectus);
 - C) The documents supporting the dividend rate forecast; and
 - D) The dates of dividend rate adjustment.
- 2) Sinking fund schedule for each issue having such a requirement. This schedule shall include the following data:
- A) Preferred stock issue;
 - B) Payment date;
 - C) Sinking fund requirement; and
 - D) Optional sinking fund amount (if applicable).
- 3) For gains and losses included in Schedule D-4, provide the following by stock issue:
- A) Stock issue;
 - B) Number of shares reacquired;
 - C) Par or stated value reacquired;
 - D) Call premium;
 - E) Call price;
 - F) Discount or premium;
 - G) Issue expense (excluding the call premium); and
 - H) Refunding issue (if applicable).
- 4) Demonstrate that the losses included in Schedule D-4 were incurred as a direct result of transactions that reduced the utility's overall cost of capital.

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- 5) The calculation of the discount rate for each issue (internal rate of return methodology only, including gains and losses on reacquired preferred stock).

Section 285.4050 Schedule D-5: Unrecovered Common Equity Issuance Costs

- a) Excepting those utilities exempted under Section 285.120(c)-(e), this Section is applicable to all utilities requesting compensation for unrecovered common equity issuance costs.
- b) Provide the following data on common equity issuance costs that have not been recovered through rates on Schedule D-5:
 - 1) Issue type (e.g., public, Dividend Reinvestment Plan (DRP), Employee Stock Purchase Plan (ESOP);
 - 2) Dates issued;
 - 3) Gross proceeds;
 - 4) Underwriters' discounts;
 - 5) Issuance expenses;
 - 6) Net proceeds (subsection (b)(3) minus subsection (b)(4) minus subsection (b)(5));
 - 7) Identify the method of rate treatment approved by the ICC, including supporting documents; and
 - 8) Authorized amortization period (if applicable).
- c) The data provided pursuant to subsection (b) must be based on the actual costs that the utility has incurred or is expected to incur through the measurement period for the utility's capital structure. The utility may not substitute estimates of the common equity issuance costs of other companies as proxies for the actual or forecasted costs incurred to raise common equity capital for the utility.
- d) Describe the accounting methods (including account numbers) by which underwriters' discounts, issuance expenses, gains or losses on redemption, and the amortization thereon are recorded for regulatory and financial reporting purposes.

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- e) Provide any available documents showing that the costs contained in this Schedule have not been recovered through rates.

Section 285.4060 Schedule D-6: Cost of Common Equity Workpapers

Provide a copy of all work papers and source documents used to estimate the utility's requested rate of return on common equity. Where a utility is prohibited by a license or otherwise from providing the information to a third-party, and the supplier of the information has refused to allow its disclosure, in lieu of providing the information the utility shall provide the title, date, and publisher of that information.

Section 285.4070 Schedule D-7: Comparative Financial Data

- a) Provide comparative financial data for the five most recently completed calendar or fiscal years through the capital structure measurement period in Schedule D-7. If the data requested in this Section may be found in either the annual report to shareholders or the statistical supplement supplied with the materials submitted pursuant to this Part, appropriate references to these reports, including page numbers, may be supplied in this Schedule in place of that data. Unless otherwise specified, the data in this Section shall be provided on a total company basis with amounts attributable to non-utility subsidiaries identified and shown separately. Provide workpapers showing the calculation of the ratios requested in subsection(c).
- b) Terms used in subsection (c):
 - 1) Funds from operations: net income plus depreciation and amortization (excluding cash decommissioning fund contributions) plus deferred income taxes plus deferred investment tax credits minus AFUDC or IDC plus other internal sources (excluding working capital changes);
 - 2) Total capital: short-term debt plus total long-term debt plus preferred stock plus common stock; and
 - 3) Total long-term debt: long-term debt including debt due within one year and capital leases.
- c) Data required:
 - 1) Capital structure ratios (percent based upon fiscal or calendar year end amounts). If the weights of the components of the ratemaking capital

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structure differ from those of the total company, provide both sets of ratios:

- A) Short-term debt ratio (short-term debt divided by total capital);
 - B) Long-term debt ratio (total long-term debt divided by total capital);
 - C) Preferred stock ratio (total preferred stock divided by total capital); and
 - D) Common equity ratio (common equity divided by total capital).
- 2) Costs of capital. If the costs of the components of the ratemaking capital structure differ from those of the total company, provide the costs for both:
- A) Embedded cost of long-term debt; and
 - B) Embedded cost of preferred stock.
- 3) Earnings ratios:
- A) AFUDC or IDC as a percentage of earnings available for common shareholders ((AFUDC or IDC plus deferred charges) multiplied by 100) divided by earnings available for common shareholders;
 - B) Return on net original cost rate base-year end (operating income divided by net original cost rate base). Combination utilities, e.g., gas and electric, shall also show the return for each operation; and
 - C) Return on average common equity (earnings available for common shareholders divided by average common equity).
- 4) Fixed charge coverage:
- A) Pre-tax interest coverage excluding AFUDC or IDC ((total operating income plus other income plus federal and State income taxes minus AFUDC equity funds portion) divided by total interest charges); and

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- B) After-tax fixed charge coverage (total operating income plus other income) divided by (total interest charges plus preferred dividends).
- 5) Cash flow ratios:
- A) Funds flow interest coverage ((funds from operations plus cash interest paid) divided by total interest incurred);
 - B) Funds flow as a percent of average total debt (funds from operations divided by (average short-term debt plus average long-term debt));
 - C) Cash coverage of common dividends ((funds from operations minus preferred dividends) divided by common dividends); and
 - D) Net cash flow as a percentage of construction expenditures ((funds from operations minus preferred dividends minus common dividends) divided by (gross construction expenditures minus AFUDC or IDC)).
- 6) Common stock related data:
- A) Shares outstanding (fiscal or calendar year end);
 - B) Shares outstanding (weighted average - monthly);
 - C) Earnings per share (weighted average);
 - D) Dividends paid per share (weighted average); and
 - E) Dividend payout ratio (common dividends divided by earnings available for common shareholders).

Section 285.4080 Schedule D-8: Security Quality Ratings

- a) Provide a history of the changes in the ratings of each class of security (i.e., senior and subordinated debt, preferred stock, and commercial paper), assigned by rating agencies engaged by the utility to rate its securities (e.g., Standard & Poor's, Moody's Investors Service, and Fitch Investor's Service or their successors), for the last five years in Schedule D-8. The history shall include the rating and the

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date the rating was assigned.

- b) Provide a copy of all credit rating analyses or reports on the utility and its parent, in the utility's possession, published during the last 12 months that describe security rating changes and the rationale for those changes.
- c) Provide a copy of the last credit rating analysis or report on the utility and its parent, in the utility's possession, published by each rating agency engaged by the utility to rate its securities that comprehensively describes the utility's operations, financial condition, and regulatory environment.

Section 285.4090 Schedules D-9 through D-12: Financial Statements

- a) The following financial statements shall be provided unless provided elsewhere in the filing, in which case the utility shall identify the location of the requested financial statements. These financial statements shall include the most recently completed calendar or fiscal year through the end of the capital structure measurement period. The financial statements shall be provided on a total company basis. Amounts attributable to non-utility subsidiaries shall be identified and shown separately.
- b) Schedule D-9: Income Statement.
- c) Schedule D-10: Balance Sheet.
- d) Schedule D-11: Statement of Cash Flows. The statement of cash flows shall include, but need not be limited to, the following items:
 - 1) Cash flows from operating activities:
 - A) Net income;
 - B) Depreciation and amortization;
 - C) Deferred income taxes and investment tax credits - net ;
 - D) Other operating activities excluding changes in working capital - net; and
 - E) Changes in working capital - net.
 - 2) Cash flows from investing activities:

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- A) Capital (construction) expenditures - net of AFUDC; and
 - B) Other investing activities - net.
- 3) Cash flows from financing activities (separately show any subsidiary security issuances and retirements for which the utility has ultimate liability):
- A) Issuance of long-term debt;
 - B) Retirement of long-term debt;
 - C) Issuance of preferred stock;
 - D) Retirement of preferred stock;
 - E) Issuance of common stock;
 - F) Retirement of common stock;
 - G) Net increase (decrease) in short-term debt;
 - H) Dividends paid on preferred stock;
 - I) Dividends paid on common stock; and
 - J) Other (explain).
- 4) Net increase (decrease) in cash.
- e) Schedule D-12: Statement of Retained Earnings.

SUBPART H: RATE AND TARIFF SCHEDULES

Section 285.5010 Schedule E-1: Copy of Proposed Tariff Sheets

Provide one copy of all proposed tariff sheets. Identify each page with "Schedule E-1, page (insert number) of (insert total number of pages)" in the upper right hand corner.

Section 285.5015 Schedule E-2: Revised Copies of Existing Tariff Sheets

Provide one copy of present rate tariffs for all rate classes that shows, in strikeout form, all

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existing rates and tariff language the utility proposes to remove and shows, in underline form, all new rates and tariff language the utility proposes to add.

Section 285.5020 Schedule E-3: Narrative Rationale for Tariff Changes

- a) On Schedule E-3, provide the rationale underlying the proposed changes to the tariff. Changes common to multiple rate forms need be discussed only once (e.g., "Minimum bill charges have been increased about 10% on all rates because...").
- b) Provide a specific source of data or narrative supporting each rationale for change. The source of data need not be submitted with the materials provided to Staff pursuant to this Part but must be available to the Staff. If the explanation is part of testimony, then it need not be duplicated in the schedules. Reference the appropriate current or proposed rate schedules to which the rationale is applicable. Use the proper schedule and page number.
- c) (Electric and Gas Utilities Only) Provide a statement that describes in detail the methodology used to allocate revenues among the utility's customer classes.

Section 285.5025 Schedule E-4: Billing Units - Electric, Gas, Water, and Sewer Utilities

- a) Provide jurisdictional "Billing Units" by rate classifications that make up the total test year revenue for each designated rate in combination with its accompanying riders to the rates, if any.
 - 1) Report all billing units beginning with those actually experienced in the historical year and setting forth each adjustment for items such as weather (see subsection (a)(2)) and growth to arrive at pro forma test year billing units supporting pro forma revenues at present and proposed rates reflected on Schedule C-1. If the test year billing units are not derived in this manner, provide an explanation of the methodology and identify each of the key assumptions used to develop the billing determinants from actual data and provide all the associated work papers.
 - 2) (Electric and Gas Utilities Only) Provide quantitative weather normalization data consistent with utility's service area. Include a full explanation of the normalization method selected and explain why it is appropriate. Provide the number of monthly heating degree days and/or cooling degree days assumed. Identify and explain each of the key assumptions in the methodology. Also, if an historic test year is used, provide the number of monthly heating degree days and/or cooling degree days actually

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experienced by the utility in the test year and state the source of that data (i.e., location of weather station). Provide the 30 year monthly and annual averages using the heating degree day data and/or cooling degree day data from the same weather station previously mentioned.

- 3) Test year billing units for each rate schedule (or type of service), each rate block and each rate element are to be reported, whether changed or not.
- b) Categorize the test year billing units for each rate and rate element by the following components:
- 1) Customer charges (service charges);
 - 2) Minimum bills if applicable;
 - 3) Energy or usage sales units (Note: provide billing units for each current and proposed energy or usage block);
 - 4) Demand units (Note: billing units shall be provided for each current and proposed demand block);
 - 5) Purchased gas adjustment units, fuel adjustment units, purchased water units, or purchased sewage treatment units; and
 - 6) All other units that give rise to revenues, including detailed billing units for public and private fire protection services where applicable.
- c) Any utility that prepares an elasticity of demand study to support adjustments to test year billing units shall submit a copy of the study as work papers supporting Schedule E-4 in addition to the other information required by this Section.

Section 285.5100 Additional Electric and Gas Utility Rate Design Data Requirements

Sections 285.5105 through 285.5315 are applicable to specific types of utilities. The affected utilities are indicated in each Section title.

Section 285.5105 Schedule E-5: Jurisdictional Operating Revenue - Electric and Gas Utilities

- a) Provide calculations showing the derivation of jurisdictional test year revenues from each current rate schedule and from each new rate schedule proposed by the utility based on the billing units derived in Section 285.5025. Test year revenues

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for each rate schedule and each block within a schedule are to be reported, whether changed or not.

- b) The calculations for each rate schedule shall show the calculation of test year revenues from each of the following rate components for each billing unit category provided on Schedule E-4:
 - 1) Basic rate charges;
 - 2) Purchased gas adjustment charges, fuel adjustment charges;
 - 3) Add-on tax charges to recover governmental tax assessments on gross revenue (add-on tax charges shall not be included in base rates); and
 - 4) Any other present or proposed add-on charges for individual rate classes not covered otherwise. (Note: Include, if applicable, municipal tax and rental costs for meters, transformers and related items in "Other", if available.)
- c) Identify all other revenues in the present and proposed revenue requirement as referenced in the Operating Revenue balance provided in Schedule C-1.

Section 285.5110 Schedule E-6: Embedded Class Cost of Service Studies - Electric and Gas Utilities

Each electric and gas utility with \$5 million or more in total jurisdictional annual revenues shall submit, at a minimum, an embedded cost-of-service study for each rate increase application based on costs for the proposed test year. This submission shall consist of two parts:

- a) Schedule E-6: A full set of cost-of-service results that presents the functionalization, classification and allocation to the utility's rate classes of all Illinois jurisdiction costs on the utility system as follows:
 - 1) All costs broken down by ICC Account or group of similar ICC Accounts that are allocated on the same basis;
 - 2) Test year costs shall be consistent with the costs presented in Section 285.3005.
 - 3) A list of all externally generated allocation factors in the study;

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- 4) Rates-of-return by customer classes under both present and proposed rates; and
- 5) A full narrative description of the allocation methodology used in the cost-of-service study that explains in detail:
 - A) The derivation of all externally generated allocators; and
 - B) The basis for all direct assignments of costs in the study.
- b) Schedule E-6 work papers: the utility shall provide a copy of all materials relied on in developing the cost-of-service study. This shall include:
 - 1) A hard copy of all work papers relied on to develop the cost of service study and a copy on floppy disk or CD-ROM or by e-mail in spreadsheet format where available;
 - 2) The following data on demand and/or energy loss factors used in the cost of service study:
 - A) A list of all demand and/or energy loss factors by customer class used in the study; and
 - B) A copy of all studies or analyses relied on to develop these loss factors;
 - 3) A copy of all other studies and analyses relied on by the utility to develop cost-of-service study results; and
 - 4) A working model of the utility's cost-of-service study on floppy disk or CD-ROM or by e-mail in spreadsheet or database format where available. If the utility is prevented from fulfilling this requirement by an agreement with an outside vendor, provide the following:
 - A) A copy of the contract provisions that prevent the utility from distributing a copy of the study, and
 - B) Either allow intervenors access to a computer that contains a working "black box" copy of the model, i.e., formulas may be hidden to prevent viewing, where they can generate alternative cost-of-service study results; or have the utility's vendor and

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individual intervenors enter into an agreement to provide the intervenors with a working copy of the model to use for a fixed and limited time period at the end of which that right to use the program would expire.

Section 285.5120 Schedule E-7: Load Research - Electric Utilities

Each electric utility with more than \$50 million in total jurisdictional annual revenue shall provide a set of load research results that were developed no more than four years before the filing date. This submission shall consist of two parts:

- a) Schedule E-7: a full set of load research results based on statistical samples of the utility's rate classes. This shall include the following information:
 - 1) Monthly class and Illinois jurisdictional loads at the time of the system coincident peaks, along with the date and time of such peak;
 - 2) The monthly maximum non-coincident peak demands for each customer class, along with the date and time of each peak for each customer class;
 - 3) Class and jurisdictional load factors; and
 - 4) The statistical confidence level achieved for each set of load data developed.
- b) Schedule E-7 supporting materials. The utility shall provide the following materials in support of its load research results:
 - 1) The time period over which the data was collected;
 - 2) A full description of the statistical methods used by the utility to derive load research results, including accuracies and confidence levels its load research samples were designed to achieve; and
 - 3) A full explanation of the usage strata into which customers in the utility's load research sample are distributed. For each usage stratum, the utility must provide the following:
 - A) Identify the number of customers and the customer types (by class) in that particular usage stratum;

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- B) Average monthly usage;
 - C) Average demand in kW at the time of the system peak; and
 - D) Average non-coincident peak demand.
- 4) An explanation of how the load research sample was derived and justification for the appropriateness of the sample used.

Section 285.5130 Schedule E-8: Bill Frequency Data - Electric and Gas Utilities

Each electric and gas utility with \$20 million or more in total jurisdictional annual revenue shall provide the following bill frequency data for each of the utility's rate classes for the historical year as defined in 83 Ill. Adm. Code 287.100(a) (If the historical year bill frequency data does not accurately reflect test year bill frequency data for an individual rate class, then the utility shall provide test year bill frequency data for that class under proposed rate classes.):

- a) A frequency distribution of monthly customer bills (by numbers and percentage) structured as follows for the utility's major rate classes (All data points beyond the 95th percentile shall be grouped in one block.):
 - 1) For electric utilities:
 - A) For the rate classes applicable to residential customers: by 50 kWh increments from 0 to 500 kWh, by 100 kWh increments from 500 to 1,000 kWh, by 250 kWh increments from 1,000 to 2,500 kWh and by 500 kWh increments for all bills over 2,500 kWh;
 - B) For the rate classes applicable to commercial and industrial customers: by 10 kWh increments from 0 to 100 kWh, by 25 kWh increments from 100 to 500 kWh, by 50 kWh increments from 500 to 1,000 kWh, by 100 kWh increments from 1,000 to 2,500 kWh, by 500 kWh increments from 2,500 to 5,000 kWh, by 1,000 kWh increments from 5,000 to 10,000 kWh, by 5,000 kWh increments from 10,000 to 50,000 kWh, by 10,000 kWh increments from 50,000 to 100,000 kWh, by 50,000 kWh increments from 100,000 to 200,000 kWh, by 100,000 kWh increments from 200,000 to 1,000,000 kWh, and by 500,000 kWh increments for all bills over 1,000,000 kWh;

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- C) For the demand metered classes applicable to commercial and industrial customers: by 5 kW increments from 0 to 100 kW, by 10 kW increments from 100 to 200 kW, by 50 kW increments from 200 to 500 kW, by 100 kW increments from 500 to 1,000 kW, by 500 kW increments from 1,000 to 5,000 kWh, and by 2,500 kWh increments for all bills over 5,000 kW.
- 2) For gas utilities:
- A) For the rate classes applicable to residential customers: by 10 therm increments from 0 to 200 therms, by 20 therm increments from 200 to 400 therms, by 50 therm increments from 400 to 600 therms, and by 100 therm increments for all bills over 600 therms;
- B) For the rate classes applicable to small commercial customers: by 20 therm increments from 0 to 400 therms, by 50 therm increments from 400 to 600 therms, by 100 therm increments from 600 to 1,000 therms, by 200 therm increments from 1,000 to 2,000 therms, by 500 therm increments from 2,000 to 5,000 therms, by 1,000 therm increments from 5,000 to 10,000 therms, by 5,000 therm increments from 10,000 to 30,000 therms, by 10,000 therm increments from 30,000 to 100,000 therms, by 50,000 therm increments from 100,000 to 400,000 therms, by 100,000 therm increments from 400,000 to 800,000 therms, and by 200,000 therm increments for all bills over 800,000 therms;
- C) For the rate classes applicable to small industrial customers: by 20 therm increments from 0 to 400 therms, by 50 therm increments from 400 to 600 therms, by 100 therm increments from 600 to 1,000 therms, by 200 therm increments from 1,000 to 2,000 therms, by 500 therm increments from 2,000 to 5,000 therms, by 1,000 therm increments from 5,000 to 10,000 therms, by 5,000 therm increments from 10,000 to 30,000 therms, by 10,000 therm increments from 30,000 to 100,000 therms, by 50,000 therm increments from 100,000 to 400,000 therms, by 100,000 therm increments from 400,000 to 800,000 therms, and by 200,000 therm increments for all bills over 800,000 therms;
- D) For the rate classes applicable to large commercial customers: by 20 therm increments from 0 to 400 therms, by 50 therm increments

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from 400 to 600 therms, by 100 therm increments from 600 to 1,000 therms, by 200 therm increments from 1,000 to 2,000 therms, by 500 therm increments from 2,000 to 5,000 therms, by 1,000 therm increments from 5,000 to 10,000 therms, by 5,000 therm increments from 10,000 to 30,000 therms, by 10,000 therm increments from 30,000 to 100,000 therms, by 50,000 therm increments from 100,000 to 400,000 therms, by 100,000 therm increments from 400,000 to 800,000 therms, and by 200,000 therm increments for all bills over 800,000 therms; and

- E) For the rate classes applicable to large industrial customers: by 20 therm increments from 0 to 400 therms, by 50 therm increments from 400 to 600 therms, by 100 therm increments from 600 to 1,000 therms, by 200 therm increments from 1,000 to 2,000 therms, by 500 therm increments from 2,000 to 5,000 therms, by 1,000 therm increments from 5,000 to 10,000 therms, by 5,000 therm increments from 10,000 to 30,000 therms, by 10,000 therm increments from 30,000 to 100,000 therms, by 50,000 therm increments from 100,000 to 400,000 therms, by 100,000 therm increments from 400,000 to 800,000 therms, and by 200,000 therm increments for all bills over 800,000 therms.
- b) Frequency distributions, by season, for each rate tariff with seasonal rates in effect.
- c) A frequency distribution (in numbers and percentage) by both demand and usage level for demand metered tariffs.

Section 285.5135 Schedule E-9: Bill Comparisons - Electric and Gas Utilities

- a) Compute bill comparisons under present and proposed rates for the test year for each residential, commercial and industrial rate schedule or combination of rate schedule with its associated rate rider on which the customers are serviced and any applicable fuel adjustment clause or purchased gas adjustment. Utilities with seasonal rates shall present these comparisons for each season and on an annual basis. The format for comparisons of present and proposed bills for electric and gas utilities shall be as follows in subsections (b) and (c).
- b) Electric utilities:
 - 1) For residential customers, present comparisons under the following

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monthly usage levels:

- A) For residential service without water heating: 100 kWh, 250 kWh, 500 kWh, 750 kWh, 1,000 kWh, 1,500 kWh, 2,000 kWh and 3,000 kWh;
 - B) For residential service with water heating: 750 kWh, 1,000 kWh, 1,500 kWh, 2,000 kWh and 3,000 kWh;
 - C) For residential service with space heating or all electric: 100 kWh, 250 kWh, 500 kWh, 750 kWh, 1,000 kWh, 1,500 kWh, 2,000 kWh, 3,000 kWh, 5,000 kWh and 7,500 kWh; and
 - D) For the residential customer with typical usage as determined on a monthly basis.
- 2) For commercial service, present comparisons under the following monthly usage levels: 375 kWh, 750 kWh, 1,500 kWh, 6,000 kWh, 40 kW and 10,000 kWh, 50 kW and 12,500 kWh, 100 kW and 30,000 kWh, 300 kW and 90,000 kWh, 500 kW and 150,000 kWh, and 1,000 kW and 300,000 kWh.
 - 3) For industrial service, present comparisons under the following monthly usage levels: 75 kW and 15,000 kWh, 75 kW and 30,000 kWh, 150 kW and 30,000 kWh, 150 kW and 60,000 kWh, 300 kW and 60,000 kWh, 300 kW and 120,000 kWh, 500 kW and 100,000 kWh, 500 kW and 200,000 kWh, 1,000 kW and 200,000 kWh, 1,000 kW and 400,000 kWh, 5,000 kW and 1,500,000 kWh, 5,000 kW and 2,500,000 kWh, 10,000 kW and 3,000,000 kWh, 10,000 kW and 5,000,000 kWh, 20,000 kW and 6,000,000 kWh, 20,000 kW and 10,000,000 kWh, 50,000 kW and 15,000,000 kWh, and 50,000 kW and 25,000,000 kWh.
- c) Gas utilities:
 - 1) For residential customers, present comparisons under the following monthly usage levels: 0 therms, 10 therms, 40 therms, 100 therms, 200 therms, 250 therms, 500 therms and 1,000 therms.
 - 2) For commercial customers, present comparisons under the following monthly usage levels: 0 therms, 300 therms, 500 therms, 1,000 therms, 3,000 therms, 5,000 therms, 10,000 therms and 20,000 therms.

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- 3) For industrial customers, present comparisons under the following monthly usage levels, 0 therms, 1,000 therms, 5,000 therms, 10,000 therms, 25,000 therms, 50,000 therms, 100,000 therms and 500,000 therms.

Section 285.5200 Schedule E-5: Long-Run Service Incremental Cost Studies - Telecommunications Carriers

- a) Each telecommunications carrier (carrier) subject to the requirements of this Part shall provide long-run service incremental cost studies (LRSIC) in accordance with 83 Ill. Adm. Code 791.
- b) Each telecommunications carrier shall provide a listing of all proposed rate/ratemaking changes with corresponding available LRSIC information for each rate or element also listed.

Section 285.5205 Schedule E-6: Imputation Tests - Telecommunications Carriers

Each carrier subject to the requirements of this Part shall provide imputation tests in accordance with 83 Ill. Adm. Code 792.

Section 285.5210 Schedule E-7: Jurisdictional Operating Revenue - Telecommunications Carriers

- a) Present calculations of jurisdictional revenues derived from each current rate schedule and from each new rate schedule proposed by the carrier.
 - 1) Report all revenues beginning with those actually experienced in the historical year and setting forth each adjustment for items such as growth to arrive at pro forma revenues at present and proposed rates.
 - 2) Revenues for each rate schedule are to be reported, whether changed or not.
- b) Each rate schedule shall provide the following information:
 - 1) Rate elements. Schedule E-7 provides for the reporting of revenue and sales data by category and by each rate element within the category. Provide the tariff sheet number reference for each rate element along with the name of the rate element.

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- 2) Units in service. Units shall be presented in two forms: actual units in service and demand adjusted units. Base annual unit revenues for the historic year on units in service that reflect growth through the end of the test year. Base initial nonrecurring charges or other one-time charge revenues on the historical year occurrences.

Section 285.5215 Schedule E-8: Bill Comparisons - Telecommunications Carriers

On Schedule E-8, telecommunications carriers subject to the requirements of this Part shall provide bill comparisons for typical basic telecommunications services used by the majority of residential and business customers. If the charges are different for the exchange areas serviced, list the bill comparisons for typical service in representative rate groups (i.e., rate group with the highest percentage increase or decrease, rate group with the lowest percentage increase or decrease, and a rate group containing the largest number of exchanges).

Section 285.5300 Schedule E-5: Jurisdictional Operating Revenue - Water and Sewer

- a) Provide calculations showing the derivation of jurisdictional revenues from each current rate schedule and from each new rate schedule proposed by the utility.
 - 1) Report all revenues beginning with those actually experienced in the historical year and setting forth each adjustment for items such as weather and growth to arrive at pro forma revenues at present and proposed rates.
 - 2) Revenues for each rate schedule and each block within a schedule are to be reported, whether changed or not.
- b) The calculations for each rate schedule shall show the revenue calculation from each of the following rate components:
 - 1) Basic rate charges;
 - 2) Purchased water units or purchased sewage treatment units;
 - 3) Details of fire protection revenues by meter size for each public fire district and municipality as paid by customers and the municipality or district in addition to the details by service connection size for private fire protection customers; and
 - 4) Any other add-on charges not covered otherwise, in effect at the date of filing the proposed tariffs. Add-on charges shall not be included in base

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rates.

Section 285.5305 Schedule E-6: Embedded Cost of Service Studies - Water and Sewer

- a) Each water and sewer utility may submit an embedded cost-of-service study for each rate increase application based on costs for the proposed test year. Each cost-of-service study submitted must include (at a minimum) the information listed in subsections (b), (c), and (d). If a cost-of-service study is not submitted, the utility must provide the necessary data in subsections (b), (c), and (d) to enable Staff to perform a cost-of-service study.
- b) Schedule E-6: A full set of cost-of-service results that presents the functionalization, classification and allocation of all jurisdictional costs on the utility system. Present all non-jurisdictional costs separately from jurisdictional costs in the study.
 - 1) All costs broken down in detail to allow a full cost-of-service study to be performed in accordance with the Uniform System of Accounts (83 Ill. Adm. Code 605 and 650). The breakdown of expenses by Uniform System of Accounts shall also include the following additional transmission and distribution expenses: Mains, Meters, Services, Meter Installations, Hydrants, and Distribution Reservoirs and Standpipes. Additionally, customer accounts expense shall include meter reading in its breakdown of expenses.
 - 2) A listing of all externally generated allocation factors in the study.
 - 3) A full narrative description of the allocation methodology used in the cost-of-service study that explains in detail:
 - A) The derivation of all externally generated allocators; and
 - B) The basis for all direct assignments of costs in the study.
- c) Work papers supporting Schedule E-6 shall include all materials relied on in developing the cost-of-service study. This shall include, but not be limited to, the following:
 - 1) A hard copy of all work papers relied on to develop the cost-of-service study and a copy on floppy disk in spreadsheet format where applicable;

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- 2) The following data on load factors used in the cost-of-service study:
 - A) A listing of all load factors used in the study by rate class and/or customer class; and
 - B) A copy of all studies and analyses relied on to develop these load factors.
- 3) A copy of all studies and/or analyses relied on by the utility to develop cost-of-service study results.
- 4) The amount of plant in service, contributions in aid of construction, and customer advances for:
 - A) Mains larger than eight inches in diameter; and
 - B) Mains eight inches and smaller in diameter.
- d) Customer usage structured as follows for the utility's rate groups:
 - 1) For water utilities:
 - A) Number of customers by meter size for each customer class; and
 - B) Water usage for each customer class by rate block (1,000 gallon or 100 cubic foot).
 - 2) For sewer utilities:
 - A) For flat rate customers, the number of billing units by rate;
 - B) For customers billed on water usage:
 - i) Number of customers by meter size for each customer class; and
 - ii) Water usage for each customer class by rate block (1,000 gallon or 100 cubic foot).

Section 285.5315 Schedule E-7: Bill Comparisons - Water and Sewer

- a) Bill comparisons shall be calculated for the test year for each residential,

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commercial, industrial, or any other class rate schedule or combination of rate schedules, with its associated rate rider on which such customers are serviced. Show rates with different seasonal charges (winter, summer) for each season. The bill comparisons shall demonstrate the full range of percent increases and decreases that are expected to occur by reporting the consumption levels that produce the maximum percentage increase and the minimum percent increase or maximum percent decrease, whichever occurs. The format for comparisons of present and proposed bills shall show the present bill, the proposed bill, the dollar difference and the percentage difference as described in subsections (b) and (c).

b) Water utilities:

- 1) For residential customers, present comparisons by 1,000 gallon or 100 cubic foot increments for usage from 0 to 20 units with an indication of the average use;
- 2) For those commercial and industrial customers with usage levels less than 1000 units per month, present comparisons by 50,000 gallon or 5,000 cubic foot increments for usage from 0 to 1000 units; and
- 3) For those industrial and commercial customers with usage levels greater than 1000 units per month, present comparisons by 100,000 gallon or cubic foot increments for usage from 0 to 1,000,000 units and by 500,000 gallon or cubic foot increments from 1,000,000 to the maximum usage by any customer.

c) Sewer utilities:

- 1) For flat rate service, the rate for each type of service;
- 2) For rates based on water usage:
 - A) For residential customers, present comparisons by 1,000 gallon or 100 cubic foot increments for usage from 0 to 20 units with an indication of the average use;
 - B) For those commercial and industrial customers with usage levels less than 1000 units per month, present comparisons by 50,000 gallon or 5,000 cubic foot increments for usage from 0 to 1000 units; and

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- C) For those industrial and commercial customers with usage levels greater than 1000 units per month, present comparisons by 100,000 gallon or cubic foot increments for usage from 0 to 1,000,000 units and by 500,000 gallon or cubic foot increments from 1,000,000 to the maximum usage by any customer.
- d) The dollar amounts computed for current bills and proposed bills shall include the charges resulting from purchased water adjustments and sewage treatment rates, where applicable, that were in effect on the date of filing. Separately state municipal tax charges, franchise fees and the fire protection charge for the largest municipality.

SUBPART I: PLANNING AND OPERATION SCHEDULES FOR GAS AND/OR ELECTRIC UTILITIES

Section 285.6000 Applicability of Subpart I

Subpart I is applicable to electric and gas utilities, subject to the requirements of this Part, as indicated in the title of each Section.

Section 285.6005 Schedule F-1: Electric Generating Station Data

Schedule F-1, for electric utilities that own generating stations, shall contain the electric generating station data listed below for the five consecutive years immediately preceding the test year and the test year, by generating unit, or by station if unit data is unavailable:

- a) Operation and maintenance expenses, segregated by fixed and variable expenses, that are used in determining generation dispatch. As a work paper supporting this schedule, include a description of how the costs were calculated and allocated into the fixed and variable categories and any studies that support the allocation.
- b) Net generation; and
- c) Capacity factor.

Section 285.6010 Schedule F-2: Electric Interchange Transactions

Schedule F-2 shall contain information on electric interchange transactions of electric utilities for the test year and five consecutive years immediately preceding the test year when a utility is seeking a rate increase other than a delivery services rate increase. Information to be provided shall include:

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- a) Firm purchases and sales: Provide an annual summary listed by organization involved in the transaction and include MWhrs received or delivered, demand charges, energy charges, transmission charges, and total cost.
- b) Non-firm purchases and sales: Provide an annual summary listed by organization involved in the transaction and by type of transaction (economy, general purpose, emergency, etc.). Include MWhrs received or delivered, energy charge in dollars, and transmission charges. Forecast levels of non-firm purchases and sales need only be listed by transaction type.
- c) Transmission services: Provide the annual MWhrs received and delivered and revenue received for providing transmission services.

Section 285.6015 Schedule F-3: Electric Utility Marginal Energy Costs

Electric utilities that own generating assets shall provide on Schedule F-3 the marginal energy costs by costing period (summer, winter, on-peak, off-peak, etc.) for the test year. As work papers supporting this schedule, provide a description of the calculation of the marginal costs, the major assumptions, and support data from production cost studies.

Section 285.6020 Schedule F-3.1: Distribution System Maintenance Expense

- a) Provide the following information for the utility's tree trimming program:
 - 1) Tree trimming expense for the test year and three previous years;
 - 2) The utility's policy regarding tree trimming cycle; and
 - 3) The percent of the distribution system that has a tree trimming cycle in excess of the policy indicated in subsection (a)(2).
- b) Provide the distribution substation maintenance expense for the test year and five previous years.
- c) Provide the maintenance expense for the test year and five previous years for all distribution equipment other than distribution substations.

Section 285.6100 Schedule F-4: Additions to Plant in Service Since the Last Rate Case

- a) Provide information concerning plant additions included in rate base on Schedule B-1 that are not currently in the rate base ordered in the utility's most recent rate

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proceeding. The number of projects for which information must be provided is the lower of the 30 most costly additions or the number of additions whose cost is greater than that shown in the table below. For multi-jurisdictional utilities, the cost of the addition shall be considered on the basis of total company cost, by type of utility. The supporting work papers shall include the reports included in response to subsection (b)(7).

UTILITY NET PLANT (From most recent ILCC Form 21, pages 200-201)	Minimum Cost of Project for which information need be provided in Section 285.6100	
	ELECTRIC UTILITIES	GAS UTILITIES
Equal to or greater than \$1 billion	Higher of 0.1% of net plant or \$2,000,000	Lower of 0.2% of net plant or \$10,000,000
Greater than \$50 million but less than \$1 billion	\$1,000,000	Higher of 0.2% of net plant or \$1,000,000
\$50 million or Less	\$100,000	\$100,000

- b) Information provided for the top ten most costly additions shall include:
- 1) Description of addition;
 - 2) Date project started;
 - 3) Completion date;
 - 4) Completion cost;
 - 5) Reason for the project;
 - 6) Alternatives considered and the reasons for rejecting each alternative; and
 - 7) List of reports relied upon by management when deciding to pursue the rate base addition.
- c) Information provided for the next 20 most expensive additions to rate base shall include:

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- 1) Description of addition;
- 2) Completion cost; and
- 3) Reason for the project.

Section 285.6200 Schedule F-5: Fossil Fuel Inventory - Electric Utilities

- a) For each of the five consecutive years immediately preceding the test year and the test year, electric utilities that own generating assets shall provide information on fuel inventory, including all primary, secondary, and start-up fuel inventories, for each generating unit and fuel type as described in subsection (b). If the same fuel is burned by more than one unit at a station, indicate the affected units and provide the information for the combination of units.
- b) Indicate, where applicable, tons, barrels, and dollars for the following information:
 - 1) Monthly average fuel inventory level;
 - 2) Monthly average fuel burn;
 - 3) Monthly average fuel receipts;
 - 4) Maximum inventory storage capacity;
 - 5) Unusable inventory, where unusable inventory is defined as inventory that is not accessible for use, but is necessary for the rest of the inventory to be utilized;
 - 6) Reason for unusable inventory;
 - 7) Daily burn at full load; and
 - 8) For all fuel types, specify at what time each is used, i.e., natural gas is used as a primary fuel in the months of May through September, etc.
- c) Supporting work papers shall include a complete description of how the utility determines the cost and Btu content of fossil fuel burned from inventory.

Section 285.6205 Schedule F-6: Contractual Coal Delivery Schedule - Electric Utilities

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- a) Electric utilities that own generating assets shall provide the information described in subsection (b) concerning contractual coal delivery schedules for each generating unit for the test year. If the same fuel is burned by more than one unit at a station, indicate the affected units and provide the information for the combination of units.
- b) Information provided shall include:
 - 1) Source of coal supply, including the name of the coal supplier and location of the mine;
 - 2) Delivery amount in tons per week, month, etc., as specified in the contract and the mode of transportation;
 - 3) Allowable deviations from the schedule;
 - 4) Required advance notice to alter the schedule; and
 - 5) Explanation of how the utility determines an appropriate coal delivery schedule if no contractual schedule is specified.

Section 285.6210 Schedule F-7: Fossil Fuel Supply Interruptions - Electric Utilities

- a) Electric utilities that own generating assets shall provide the information described in subsection (b) concerning each fossil fuel supply interruption when coal, oil or natural gas could not be delivered to a generating unit during the previous five years.
- b) Information provided for each occurrence exceeding five days shall include:
 - 1) Date of interruption;
 - 2) Description of occurrence;
 - 3) Duration;
 - 4) Units affected;
 - 5) Inventory burned; and
 - 6) Size of inventory when deliveries resumed.

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Section 285.6300 Schedule F-8: Gas Stored Underground - Gas Utilities

- a) Provide information, where applicable, for the portion of each underground gas storage facility owned, contracted, leased, etc., during the test year and for the period directly after the test year to the present. Where the underground storage is provided by a natural gas pipeline pursuant to a purchased storage service on file with the Federal Energy Regulatory Commission, the utility shall note this on the schedule and provide the information that is available.
- b) Information to be provided shall include:
 - 1) Location and operator of the storage facility;
 - 2) Date that each contract, lease, etc. , expires;
 - 3) Maximum working gas inventory volume for the portion of the storage facility owned, contracted, leased, etc., by the utility;
 - 4) Method of inventory valuation used by the utility (i.e., average, FIFO (first in, first out), LIFO (last in, first out));
 - 5) Maximum daily deliverability on a typical peak day for the portion of the storage facility owned, contracted, leased, etc., by the utility;
 - 6) Expected daily deliverability on a typical peak day for the portion of the storage facility owned, contracted, leased, etc., by the utility (differs from subsection (b)(5) only if derations are expected);
 - 7) Injection limitations, such as time of year constraints, source of injection gas, etc. for the portion of the storage facility owned, contracted, leased etc., by the utility;
 - 8) Method of dispatch (i.e., peak shaving, base loading, etc.); and
 - 9) Monthly price for injections and withdrawals (including volumes) applied to the utility's storage inventory levels for each of the three consecutive years immediately preceding the test year and the test year.
- c) Supporting work papers shall include the following information for the portion of the storage facility owned, contracted, leased, etc., by the utility:

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- 1) An explanation of the calculation of each storage facility's maximum daily deliverability on a typical peak day;
- 2) An explanation of the calculation of each storage facility's expected daily deliverability on a typical peak day;
- 3) An explanation of the type of transportation used in conjunction with each leased or contracted storage agreement; and
- 4) An explanation of how the utility accounts for its storage inventory levels (one central pool or specific information for each storage field).

Section 285.6305 Schedule F-9: Underground Gas Storage Activity -Gas Utilities

- a) Provide information, if applicable, for the portion of all underground gas storage facilities either owned or leased by the utility for each of the five consecutive years immediately preceding the test year and the test year. Where the underground storage is provided by a natural gas pipeline pursuant to a purchased storage service on file with the Federal Energy Regulatory Commission, the utility shall note this on the schedule and provide the information that is available.
- b) Information shall be provided only for that portion of the storage facility that is owned, leased or contracted by the utility and shall include:
 - 1) Monthly average inventory of cushion gas and working gas in dollars and millions of cubic feet or decatherms;
 - 2) Monthly injection and withdrawal quantities; and
 - 3) Date and reason for any instances where the withdrawal capacity of a facility was limited due to unforeseen circumstances, such as equipment breakdowns, within the last five years.

Section 285.6310 Schedule F-10: Adequacy of Underground Gas Storage Levels - Gas Utilities

- a) Provide support for the determination that the available gas storage is the proper amount to ensure reliable service to customers at the lowest cost during the test year.
- b) Work papers shall include studies available to support the determination that the available gas storage is the proper amount needed to ensure reliable service to

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customers at the lowest cost during the test year.

Section 285.6315 Schedule F-11: Propane, Liquefied Natural Gas, and Synthetic Natural Gas Facilities - Gas Utilities

- a) Provide information for each propane, liquefied natural gas (LNG) and synthetic natural gas (SNG) facility.
- b) Information to be provided shall include:
 - 1) Rate at which the propane/LNG inventory can be replenished during the winter months;
 - 2) Feedstock consumption rate in gallons per hour for the plant at rated capacity;
 - 3) Expected peak day capacity of the plant;
 - 4) Last three dates on which the facility was required to serve load on the utility's system. Explain the situation that caused each of these three occurrences and how much load was served by the facility;
 - 5) Date and reason for any instances where the withdrawal capacity of a facility was limited due to unforeseen circumstances, such as equipment breakdowns, within the last five years.
- c) Supporting work papers shall include:
 - 1) An explanation of how the replenishment rate will change for different levels of inventory; and
 - 2) Basis for replenishment rates.

Section 285.6320 Schedule F-12: Propane, LNG, and SNG Feedstock Inventory Levels – Gas Utilities

Provide the monthly level of feedstock inventory, including monthly injections and withdrawals, for each propane, LNG, and SNG facility for the three consecutive years immediately preceding the test year and the test year, in dollars and gallons.

SUBPART J: FUTURE TEST YEAR REQUIREMENTS

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Section 285.7000 Instructions for Subpart J

- a) A utility, subject to the requirements of this Part, selecting a future test year as defined in 83 Ill. Adm. Code 287 shall provide the additional schedules required by Subpart J.
- b) Schedules shall present information on a total company basis, unless otherwise specified. If the utility maintains separate books for each service area, and on a applicable service basis, for which separate tariffs exist (e.g., district, division, etc.), the schedules shall present information for each service area for which a change in rates is requested. In addition, if common rates are requested for a service area for which separate tariffs currently exist, the utility shall present information for each service area requesting common rates and the combined service areas requesting common rates.

Section 285.7005 Schedule G-1: Comparison of Prior Forecasts to Actual Data - Prior Three Years

- a) Schedule G-1 shall compare forecast period data to actual data to demonstrate the reliability and accuracy of the utility's forecast for each of the prior three years. The prior years' forecast data are to represent the original approved budget for the period.
- b) Work papers supporting Schedule G-1 shall include:
 - 1) The original, and all amendments, of operating and capital budgets or forecasts for each of the three consecutive years immediately preceding the test year and those in support of the test year; and
 - 2) A budget manual or formalized budget guidelines and procedures used to develop the utility's most recent budget.

Section 285.7010 Schedule G-2: Statement from the Independent Certified Public Accountant

- a) Schedule G-2 shall be a statement from an independent certified public accountant that the preparation and presentation of the applicable schedules comply with the Guide for Prospective Financial Information as of April 1, 1999 (copyright 1999) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036-8775). No later amendment or edition is included in this incorporation.

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- b) The work papers of the independent certified public accountant supporting the statement required in subsection (a) shall be made available to the Commission Staff at the utility's office. The work papers shall also include the engagement letter, representation letter, and any additional correspondence between the utility and the independent certified public accountant regarding the engagement.

Section 285.7015 Schedule G-3: Statement on Assumptions Used in the Forecast

- a) Schedule G-3 shall be a statement indicating whether the forecast for the test year contains the same assumptions and methodologies used in forecasts prepared for management or other entities such as the Securities and Exchange Commission, security rating companies and agencies, underwriters, and investors.
- b) Schedule G-3 shall also include an explanation of any differences between the assumptions and methodologies used in the forecast forming the basis of the test year selected by the utility and the assumptions and methodologies used in forecasts prepared for management or other entities.

Section 285.7020 Schedule G-4: Statement on Accounting Treatment

- a) Schedule G-4 shall be a statement that the accounting treatment applied to anticipated events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they have occurred.
- b) Schedule G-4 shall also include an explanation of any differences between the accounting treatment applied to anticipated events and transactions in the forecast forming the basis of the test year selected by the utility and the accounting treatment to be applied in recording the event once it has occurred.

Section 285.7025 Schedule G-5: Assumptions Used in the Forecast

Schedule G-5 shall include the principal assumptions used in preparing the projected information forming the basis for the test year selected by the utility.

Section 285.7030 Schedule G-6: Inflation

- a) Schedule G-6 shall identify the rate of inflation applied to accounts, portions of accounts, or budget items inflated by an index for the future test year.
- b) Information provided shall include the following information on each of the accounts, portions of the accounts, or budget items inflated by an index:

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- 1) Account or budget item;
- 2) Description;
- 3) Dollar base to which inflation factor was applied;
- 4) Inflation factor; and
- 5) The product of multiplying the amount in subsection (b)(3) by the amount in subsection (b)(4) that represents an amount for inflation included within the test year.

Section 285.7035 Schedule G-7: Proration of Accumulated Deferred Income Taxes

Provide the calculation for the proration of accumulated deferred income taxes attributable to the accelerated depreciation of public utility property pursuant to section 168(i)(9)(B) of the Internal Revenue Code (26 USC 168(i)(9)(B)) for the exclusion of the normalization reserve from rate base. The calculated average balance of accumulated deferred income taxes attributable to the accelerated depreciation of public utility property shall be presented on Schedule B-9.

Section 285.7045 Schedule G-8: Actual Gross Additions and Retirements Compared to Original Budget

Provide a comparison by plant function of the original budget of capital additions and retirements to actual capital additions and retirements for each of the most recent three years.

Section 285.7050 Schedule G-9: Comparison of Budgeted Non-Payroll Expense to Actual

- a) Provide, by ICC Account number, with operation and maintenance shown by individual operation and maintenance expense account (or utility account number or budget item, if utility account numbers or budget items are in similar detail or greater detail when compared to ICC Account numbers), actual non-payroll expense compared with budgeted non-payroll expense for each of the three consecutive budget years immediately preceding the test year for which actual data exist. The budgeted non-payroll expense shall represent the originally approved budget. If budgeted amounts are not available by ICC Account number, utility account number or budget, provide the comparison by function, for example, power production-operation, power production-maintenance, distribution-operation, distribution - maintenance, etc.).
- b) Information provided shall include:

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- 1) Account number;
 - 2) Account description;
 - 3) Actual non-payroll expense in third prior year;
 - 4) Budgeted non-payroll expense in third prior year;
 - 5) Difference between actual and budgeted non-payroll expense in third prior year;
 - 6) Percentage change for difference between budgeted and actual non-payroll expense in third prior year;
 - 7) Actual non-payroll expense in second prior year;
 - 8) Budgeted non-payroll expense in second prior year;
 - 9) Difference between actual and budgeted non-payroll expense in second prior year;
 - 10) Percentage change for difference between budgeted and actual non-payroll expense in second prior year;
 - 11) Actual non-payroll expense in prior year;
 - 12) Budgeted non-payroll expense in prior year;
 - 13) Difference between actual and budgeted non-payroll expense in prior year; and
 - 14) Percentage change for difference between budgeted and actual non-payroll expense in prior year.
- c) Supporting work papers shall include explanations for percentage differences of 15% or more identified in subsection (b)(14);

Section 285.7055 Schedule G-10: Budgeted Payroll Expense

- a) Provide, by ICC Account number, operation and maintenance by individual operation and maintenance expense account (or utility account number or budget item, if utility account numbers or budget items are in similar detail or greater

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detail when compared to ICC Account numbers), actual direct payroll expense as defined by Section 285.115 compared with the budgeted payroll expense for each of the three consecutive budget years immediately preceding the test year for which actual data exist and the test year. The budgeted payroll expense shall represent the originally approved budget. If budgeted amounts are not available by ICC Account number, utility account number or budget, provide the comparison by function, (for example, power production-operation, power production-maintenance, distribution-operation, distribution-maintenance, etc.).

- b) Information provided shall include:
- 1) Account number;
 - 2) Account description;
 - 3) Actual payroll expense in third prior year;
 - 4) Budgeted payroll expense in third prior year;
 - 5) Difference between actual and budgeted payroll expense in third prior year;
 - 6) Percentage change for difference between budgeted and actual payroll expense in third prior year;
 - 7) Actual payroll expense in second prior year;
 - 8) Budgeted payroll expense in second prior year;
 - 9) Difference between actual and budgeted payroll expense in second prior year;
 - 10) Percentage change for difference between budgeted and actual payroll expense in second prior year;
 - 11) Actual payroll expense in the year prior to the test year;
 - 12) Budgeted payroll expense in the year prior to the test year;
 - 13) Difference between actual and budgeted payroll expense in the year prior to the test year;

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- 14) Percentage change for difference between budgeted and actual payroll expense in the year prior to the test year; and
 - 15) Payroll expense reflected in test year.
- c) Supporting work papers shall include:
- 1) Explanations for percentage differences of 15% or more identified in subsection (b)(14);
 - 2) Actual direct payroll expense for each month of the three consecutive years identified in subsections (b)(3), (b)(7), and (b)(11); and
 - 3) Direct payroll expense included within the original budget for each month of the three consecutive years identified in subsections (b)(4), (b)(8), and (b) (12) and identified in subsection (b)(15) for the test year.

Section 285.7060 Schedule G-11: Budgeted Number of Employees

- a) Schedule G-12 shall list the number of employees by department included within the original, approved budget in each month of the three consecutive years immediately preceding the test year, for which actual data exist, and the test year.
- b) Information shall include:
 - 1) Number of full time employees;
 - 2) Number of part time employees;
 - 3) Number of full time equivalents for part time employees (i.e., if a full time employee is defined as working 40 hours per week, then part time, non-overtime hours divided by 40 would yield the number of full time equivalents); and
 - 4) Total full time equivalents (sum of amounts in subsections (b)(1) and (b)(3)).

Section 285.7065 Schedule G-12: Forecasted Property Taxes

- a) Provide information on the forecasted property taxes for the test year. If the information for the year immediately preceding the test year reflected on Schedule C-19 represents a combination of actual and forecasted data, provide

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information for the year preceding the test year also.

- b) Information provided shall include:
 - 1) Description of the methodology used to derive forecasted amounts reflected on Schedule C-19;
 - 2) Equalized assessed value by county; and
 - 3) Effective tax rate by county with the basis for the escalation rate used.
- c) Provide the amount of property tax recoveries obtained from any appeals process for each of the three consecutive years immediately preceding the test year.

Section 285.7070 Schedule G-13: Comparison of Actual Financial Results to the Originally Approved Forecast for Each of the Past Twelve Months and Eight Subsequent Months

Provide a comparison of each month's actual financial results to each month's forecast within the utility's originally approved annual forecast for each of the past 12 months at the time of filing and each of the eight subsequent months as available.

Section 285.7075 Financial Statements

Provide the following financial statements (including the most recently completed calendar or fiscal year through the end of the future test year) on a total company basis (including utility subsidiaries). Amounts attributable to non-utility subsidiaries shall be identified and shown separately:

- a) Income statement, including non-jurisdictional service revenues to be identified as Schedule G-15;
- b) Balance sheet to be identified as Schedule G-16 (This schedule may be omitted if already provided pursuant to Section 285.2020.);
- c) Statement of cash flows to be identified as Schedule G-17 (This schedule may be omitted if already provided pursuant to Section 285.4090(d).); and
- d) Statement of retained earnings to be identified as Schedule G-18.

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Section 285.Appendix A Work Paper Referencing System

POSITION	DESCRIPTION
1 & 2	First and second characters will always be "WP", which denotes work papers.
3	Position 3 will always represent the section of standard information requirement schedules to which the work papers are related. The sections are: <ul style="list-style-type: none"> A Revenue and Financial Summaries B Rate Base C Operating Income D Rate of Return E Rate and Tariff F Financial Projection G Planning and Operations H Future Test Year Requirements
4	Position 4 will always represent the schedule number within a section. The first schedule within a section will always be "1", the second "2", etc. Several standard schedule numbers have been assigned. If the utility wishes to apply additional schedules in any section, the next available (unassigned) schedule number in the appropriate section shall be used.
5	Position

Schedules that feed a specific schedule number shall be identified by the fourth position. The first supporting schedule shall have positions 3 and 4 coded with the section and schedule number that the supporting schedules feed, and it shall be numbered "1", the second "2", etc.

For example:

The standard number assigned to the Operating Income Adjustment Summary Schedule is C-3. The first adjustment shall be supported by a separate schedule numbered C-3.1. The second adjustment supporting schedule shall be C-3.2. The work papers would be indexed WPC-3.1 and WPC-3.2, respectively.

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Position

Data is required for supporting a schedule identified by the 5-position digit. The first additional supporting schedule shall be identified with the lower case letter "a", the second "b", etc. In all cases where the 6th position is used, the 3rd, 4th, and 5th position characters shall be coded with the section, schedule and supporting schedule that the additional data supports.

For example:

Information provided as additional support for adjustment C-3.1 would be coded in the work papers as: WPC-3.1 a, b, c ...etc.

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- 1) The Heading of the Part: Submission of Rate Case Testimony
- 2) Code Citation: 83 Ill. Adm. Code 286
- 3) Section Numbers: Adopted Action:

286.10	New Section
286.20	New Section
286.30	New Section
286.40	New Section
- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].
- 5) Effective Date of Rules: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: 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:

03/30/02, at 26 Ill. Reg. 13015
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

Section 286.20(a)(2): Replace "285.7100(a)" with "285.6100(a)".

Section 286.30: Delete "as required by 83 Ill. Adm. Code 285.1005(h)".
- 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 required.
- 13) Will these rules replace an emergency rule currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules?

The submission of rate case testimony has been treated previously in 83 Ill. Adm. Code 285. Information provided in response to the requirements of Part 285 is used to assist Staff in its review of rate case filings. Information provided pursuant to Part 285 does not normally become part of the record. Testimony, on the other hand, is provided for the specific purpose of being entered into the record. Testimony is distinguishable from the filing requirements of Part 285, so the Commission is adopting separate rules, 83 Ill. Adm. Code 286.

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:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 286

SUBMISSION OF RATE CASE TESTIMONY

Section

- 286.10 Applicability
- 286.20 Submission of Prepared Testimony
- 286.30 Schedules and Work Papers Required to Support the Utility's Revised Revenue Requirement
- 286.40 Work Papers Supporting the Testimony of Parties Other Than the Utility

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

SOURCE: Adopted at 27 Ill. Reg. 12374, effective August 1, 2003.

Section 286.10 Applicability

This Part shall apply to all public utilities as defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105] and to those telecommunications carriers as defined in Section 13-202 of the Act [220 ILCS 5/13-202] that are subject to the requirements of Section 9-201 of the Act [220 ILCS 5/9-201] and 83 Ill. Adm. Code 285. As used in this Part, the term "utilities" shall include both public utilities and those telecommunications carriers to which this Part is applicable.

Section 286.20 Submission of Prepared Testimony

- a) Direct testimony.
 - 1) Utilities shall, at the time of filing tariffs for a base rate increase, file the prepared direct testimony of any witnesses and any exhibits in support of the utility's proposed tariffs.
 - 2) For each project listed in 83 Ill. Adm. Code 285.6100(a), the utility's direct testimony shall include at least the following information that the utility relied upon to support its conclusion that its investment in the project is both prudent and used and useful in providing utility service:

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- A) A description of all reports, studies, forecasts, documentation, or other factors that the utility relied upon to support its conclusion; and
 - B) A description of the manner in which the utility's use of the described reports, studies, forecasts, documentation or other factors in planning, constructing or operating the projects supports the utility's conclusion.
- 3) The utility shall also submit a minimum of seven copies of the testimony and exhibits to the Director of the Financial Analysis Division or any successor division of the Illinois Commerce Commission (Commission) at the time of filing.
- b) Supplemental direct testimony. Submission of direct testimony shall not preclude submission of supplemental direct testimony with good cause shown. In determining whether good cause has been shown, the Commission shall consider, among other things, the degree to which the information that is the subject of the supplemental direct testimony was not known to the utility at the time direct testimony was filed, and the degree to which facts have changed due to circumstances beyond the control of the utility.
- c) Nothing in this Section shall be construed as limiting:
- 1) Updates to the rate of return on rate base during the rebuttal phase of the rate proceeding;
 - 2) Updates or adjustments pursuant to 83 Ill. Adm. Code 287; or
 - 3) The submission of post record data pursuant to 83 Ill. Adm. Code 200.875.
- d) Nothing in this Section shall be construed to limit the submission of corrections of mistakes or inadvertent omissions, provided no party is prejudiced by that submission.

Section 286.30 Schedules and Work Papers Required to Support the Utility's Revised Revenue Requirement

When, subsequent to the date of filing initial rates or tariffs in a rate proceeding, a utility files testimony or exhibits with a revised revenue requirement or a revenue increase different from the revenue increase previously presented on Schedule A-2, the utility shall provide the schedules

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and work papers supporting the revised revenue requirement at the time of filing the testimony in accordance with the requirements of 83 Ill. Adm. Code 285.

- a) The schedules shall be identified in the upper right hand corner with the appropriate schedule reference, the revision date, and the docket number. The following schedules, if affected by the change in the proposed revenue requirement, are required:
 - 1) An overall financial summary as defined by 83 Ill. Adm. Code 285.1005 to be identified as Revised Schedule A-2;
 - 2) A jurisdictional rate base summary as defined by 83 Ill. Adm. Code 285.2005 to be identified as Revised Schedule B-1, except that the presentation of rate base components shall include:
 - A) Prior balance sponsored by the utility;
 - B) Adjustment; and
 - C) Adjusted requested balance;
 - 3) A summary of rate base adjustments as defined by 83 Ill. Adm. Code 285.2010 to be identified as Revised Schedule B-2 that reflects the individual adjustments to rate base included within the aggregated total adjustment amount reflected on Revised Schedule B-1;
 - 4) A schedule of each rate base adjustment providing support for the adjustment as defined by 83 Ill. Adm. Code 285.2015 to be identified as Revised Schedule B-2.1, B-2.2, etc.;
 - 5) A jurisdictional operating income summary as defined by 83 Ill. Adm. Code 285.3005 to be identified as Revised Schedule C-1, except that the presentation of the components of operating income shall include:
 - A) Prior pro forma balance at present rates;
 - B) Total of adjustments;
 - C) Revised pro forma balance at present rates;
 - D) Requested rate increase; and

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- E) Pro forma balance at proposed rates;
 - 6) A summary of the adjustments to operating income as defined by 83 Ill. Adm. Code 285.3010 to be identified as Revised Schedule C-2 that reflects the individual adjustments to operating income within the aggregated total adjustment amount reflected on the jurisdictional operating income summary;
 - 7) A schedule of each adjustment to operating income providing support for the adjustment as defined by 83 Ill. Adm. Code 285.3015 to be identified as Revised Schedule C-2.1, C-2.2, etc.; and
 - 8) All schedules as defined by 83 Ill. Adm. Code 285 Subpart G affected by that revision.
- b) Work papers are required for, but not limited to, the work papers prescribed by the schedules submitted in support of the revised tariffs or revised revenue requirement. In addition, all work papers shall:
- 1) Be keyed to the appropriate text or testimony exhibit;
 - 2) Contain the name of the person responsible for the work paper and the date prepared;
 - 3) Be cross-referenced wherever possible to minimize duplication of data; and
 - 4) Include assumptions, schedule amounts, narrative or other support so that the reasonableness of the work paper can be reviewed.

286.40 Work Papers Supporting the Testimony of Parties Other Than the Utility

Provision of work papers supporting the testimony of parties other than the utility shall be determined at the pre-hearing conference.

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- 1) The Heading of the Part: Rate Case Test Year
- 2) Code Citation: 83 Ill. Adm. Code 287
- 3) Section Numbers: Adopted Action:
287.10 New Section
287.20 New Section
287.30 New Section
287.40 New Section
- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].
- 5) Effective Date of Rules: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: 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:
August 30, 2002, at 26 Ill. Reg. 13021
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
Section 287.20: Add ", beginning no more than 24 months prior to the date of the utility's filing," after "period".
Section 287.40: In the first sentence, replace "shall" with "may".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules?

The subject of rate case test year has been treated in 83 Ill. Adm. Code 285. Like the filing of rate case testimony, the test year is also a subject that is not a filing requirement. The test year is identified for purposes of the record in the filing company's testimony. Much of the information provided in response to the requirements of Part 285 will cover a period of time that reflects the test year or that is at the end of the test year. This Part establishes separate test year rules.

- 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 b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 287

RATE CASE TEST YEAR

Section

287.10	Applicability
287.20	Test Year Options
287.30	Updates to Future Test Year Data
287.40	Pro Forma Adjustments to Historical Test Year Data

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

SOURCE: Adopted at 27 Ill. Reg. 12380, effective August 1, 2003.

Section 287.10 Applicability

This Part shall apply to all public utilities as defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105] and to those telecommunications carriers as defined in Section 13-202 of the Act [220 ILCS 5/13-202] that are subject to the requirements of Section 9-201 of the Act [220 ILCS 5/9-201] and 83 Ill. Adm. Code 285. As used in this Part, "utility" shall include both public utilities and those telecommunications carriers to which this Part is applicable.

Section 287.20 Test Year Options

A utility, at its option, may propose either one of the following periods as its proposed test year:

- a) Historical. Any consecutive 12 month period, beginning no more than 24 months prior to the date of the utility's filing, for which actual data are available at the time of filing new tariffs; or
- b) Future. Any consecutive 12 month period of forecasted data beginning no earlier than the date new tariffs are filed and ending no later than 24 months after the date new tariffs are filed.

Section 287.30 Updates to Future Test Year Data

- a) During the suspension period, the assigned Administrative Law Judge may

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require or allow the utility to update its schedules and workpapers, if a utility has proposed a future test year, according to the schedule established in the proceeding when evidence has been introduced that a significant and material change affecting the revenue requirement as defined in subsection (c) of this Section has occurred. In establishing this schedule, the Administrative Law Judge shall consider the timing and scope of the updated filing. A utility shall not be allowed or required to submit more than one updated filing, or to submit an updated filing during the final 150 days of the resuspension period. When data are updated, the utility shall also provide updated information for any affected schedules and work papers originally submitted as a requirement of 83 Ill. Adm. Code 285.

- b) A determination to require or allow the submission of an update shall include, but not be limited to, the consideration of:
 - 1) Whether the changes significantly and materially affect the revenue requirement;
 - 2) Whether the changes could have been reflected in the initial tariff filing; and
 - 3) Whether the Illinois Commerce Commission staff and other participants will have an adequate opportunity to review the updated information.
- c) Examples of "significant and material" changes would include changes since the original filing of tariffs to factors including, but not limited to:
 - 1) Contractual obligations;
 - 2) Revenue requirements;
 - 3) Additions or losses of customers served; and
 - 4) Governmental requirements or levies, such as tax rates or environmental requirements.
- d) Whenever the utility updates projected data in its selected test year, it shall provide a reconciliation of original and updated data and identify and support the changes in its testimony and exhibits.
- e) Nothing in this Section shall be construed as a limitation on updates to the rate of

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return on rate base during the rebuttal phase of the rate proceeding.

Section 287.40 Pro Forma Adjustments to Historical Test Year Data

A utility may propose pro forma adjustments (estimated or calculated adjustments made in the same context and format in which the affected information was provided) to the selected historical test year for all known and measurable changes in the operating results of the test year. These adjustments shall reflect changes affecting the ratepayers in plant investment, operating revenues, expenses, and cost of capital where such changes occurred during the selected historical test year or are reasonably certain to occur subsequent to the historical test year within 12 months after the filing date of the tariffs and where the amounts of the changes are determinable. Attrition or inflation factors shall not be substituted for a specific study of individual capital, revenue, and expense components. Any proposed known and measurable adjustment to the test year shall be individually identified and supported in the direct testimony of the utility. Each adjustment shall be submitted according to the standard information requirement schedules prescribed in 83 Ill. Adm. Code 285.

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].
- 5) Effective Date of Amendments: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: 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:
03/14/03, at 27 Ill. Reg. 4436
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference 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? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?

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NOTICE OF ADOPTED AMENDMENT

This rulemaking updates the Commission's incorporation by reference of the Federal Department of Transportation's rules.

- 16) Information and questions regarding these adopted amendments 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 Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR GAS
PIPELINE FACILITIES

Section

590.10

Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January 1, 2003 ~~2001~~, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 27 Ill. Reg. 12385, effective August 1, 2003)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Cost Allocation for Large Local Exchange Carriers
- 2) Code Citation: 83 Ill. Adm. Code 711
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
711.5	Amendment
711.10	Amendment
711.15	Amendment
711.20	Amendment
711.25	Amendment
711.105	Amendment
711.107	New Section
711.110	Repealed
711.115	Repealed
711.200	Repealed
711.205	Repealed
711.210	Repealed
711.215	Repealed
711.220	Repealed
711.225	Repealed
711.230	Repealed
711.235	Repealed
711.245	Repealed
711.250	Repealed
711.255	Repealed
711.260	Repealed
711.265	Repealed
711.270	Repealed
711.275	Repealed
711.280	Repealed
711.285	Repealed
711.290	Repealed
711.305	Repealed
711.309	Repealed
711.310	Repealed
711.315	Repealed
711.320	Repealed
711.325	Repealed
711.330	Repealed

ILLINOIS COMMERCE COMMISSION

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711.335	Repealed
711.340	Repealed
711.345	Repealed
711.350	Repealed
711.355	Repealed
711.360	Repealed
711.365	Repealed
711.370	Repealed
711.375	Repealed
711.1220	Repealed
711.1439	Repealed
711.2002	Repealed
711.2003	Repealed
711.2004	Repealed
711.2005	Repealed
711.2111	Repealed
711.2112	Repealed
711.2113	Repealed
711.2114	Repealed
711.2115	Repealed
711.2116	Repealed
711.2121	Repealed
711.2122	Repealed
711.2123	Repealed
711.2124	Repealed
711.2211	Repealed
711.2212	Repealed
711.2215	Repealed
711.2220	Repealed
711.2231	Repealed
711.2232	Repealed
711.2311	Repealed
711.2321	Repealed
711.2341	Repealed
711.2351	Repealed
711.2362	Repealed
711.2411	Repealed
711.2421	Repealed
711.2422	Repealed
711.2423	Repealed

ILLINOIS COMMERCE COMMISSION

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711.2424	Repealed
711.2425	Repealed
711.2426	Repealed
711.2431	Repealed
711.2441	Repealed
711.2681	Repealed
711.2682	Repealed
711.2690	Repealed
711.3100	Repealed
711.3200	Repealed
711.3410	Repealed
711.3420	Repealed
711.3500	Repealed
711.3600	Repealed
711.4100	Repealed
711.4340	Repealed
711.6112	Repealed
711.6113	Repealed
711.6114	Repealed
711.6115	Repealed
711.6116	Repealed
711.6121	Repealed
711.6122	Repealed
711.6123	Repealed
711.6124	Repealed
711.6211	Repealed
711.6212	Repealed
711.6215	Repealed
711.6220	Repealed
711.6231	Repealed
711.6232	Repealed
711.6311	Repealed
711.6341	Repealed
711.6351	Repealed
711.6362	Repealed
711.6411	Repealed
711.6421	Repealed
711.6422	Repealed
711.6423	Repealed
711.6424	Repealed

ILLINOIS COMMERCE COMMISSION

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711.6425	Repealed
711.6426	Repealed
711.6431	Repealed
711.6441	Repealed
711.6511	Repealed
711.6512	Repealed
711.6531	Repealed
711.6532	Repealed
711.6533	Repealed
711.6534	Repealed
711.6535	Repealed
711.6540	Repealed
711.6561	Repealed
711.6562	Repealed
711.6563	Repealed
711.6564	Repealed
711.6565	Repealed
711.6611	Repealed
711.6612	Repealed
711.6613	Repealed
711.6621	Repealed
711.6622	Repealed
711.6623	Repealed
711.6711	Repealed
711.6712	Repealed
711.6721	Repealed
711.6722	Repealed
711.6723	Repealed
711.6724	Repealed
711.6725	Repealed
711.6726	Repealed
711.6727	Repealed
711.6728	Repealed
711.6790	Repealed
711.7110	Repealed
711.7130	Repealed
711.7140	Repealed
711.7150	Repealed
711.7160	Repealed
711.7210	Repealed

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711.7220	Repealed
711.7230	Repealed
711.7240	Repealed
711.7250	Repealed
711.7350	Repealed
711.7370	Repealed
711.7400	Repealed
711.7510	Repealed
711.7520	Repealed
711.7530	Repealed
711.7540	Repealed
711.7610	Repealed
711.7620	Repealed
711.7630	Repealed
711.7640	Repealed
711.8000	New Section
711.8005	New Section

- 4) Statutory Authority: Implementing Sections 5-102, 5-103, and 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, 7-206, and 10-101].
- 5) Effective Date of Amendments: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendments, 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:
02/14/2003, at 27 Ill. Reg. 2378
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

Table of Contents and Subpart D: Underscore added language.

Section 711.15(b): Delete "five" and replace with "four".

- 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 amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?

The rulemaking eliminates unnecessary account detail from the cost allocation manual procedure outline, requires the annual submission of a complete cost allocation manual with identification of variances from the previous filing, adds an audit requirement; allows telecommunications carriers to use the cost allocation manual filed with the Federal Communications Commission to satisfy the Illinois filing requirements, updates the number of subscriber lines that make up the threshold for this Part, and updates Section 711.15 to reflect current FCC requirements.

- 16) Information and questions regarding these adopted amendments 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 Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 711
COST ALLOCATION FOR LARGE LOCAL EXCHANGE CARRIERS

SUBPART A: APPLICATION

Section
711.5 Application

SUBPART B: PRELIMINARY MATERIALS

Section
711.10 Description of Nonregulated Activities
711.15 Incidental Activities

SUBPART C: CORPORATE ORGANIZATION AND AFFILIATE TRANSACTIONS

Section
711.20 Corporate Organization
711.25 Affiliate Transactions

SUBPART D: COST APPORTIONMENT METHODOLOGY AND TIME REPORTING
PROCEDURES

Section
711.100 Overview
711.105 Cost Apportionment
711.107 Time Reporting Procedures
711.110 Cost and Allocation Definitions (Repealed)
711.115 Cost Pools (Repealed)
711.200 Cost Pool Apportionment Bases (Repealed)
711.205 Cost Pool Account Transaction Analysis (Repealed)
711.210 Analysis of Leased Assets (Repealed)
711.215 Analysis of Motor Vehicle Records (Repealed)
711.220 Analysis of Information Management Projects (Repealed)
711.225 Analysis of Research and Development Projects (Repealed)
711.230 Analysis of Purchase Records (Repealed)
711.235 Analysis of Tax Records (Repealed)

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711.245	Computer Application Activity Analysis <u>(Repealed)</u>
711.250	Building/Floor Space Use Study <u>(Repealed)</u>
711.255	Direct Reporting <u>(Repealed)</u>
711.260	Flight Logs <u>(Repealed)</u>
711.265	Property Record Analysis <u>(Repealed)</u>
711.270	Relative Investment Value - Cost Pool Apportionment <u>(Repealed)</u>
711.275	Testing Activity Study <u>(Repealed)</u>
711.280	Regulated/Nonregulated Apportionment Bases <u>(Repealed)</u>
711.285	Account Transaction Analysis - Regulated/Nonregulated <u>(Repealed)</u>
711.290	Billing and Collection Study <u>(Repealed)</u>
711.305	Customer and Corporate Operations Wages and Salaries <u>(Repealed)</u>
711.309	Engineering Time Reporting <u>(Repealed)</u>
711.310	Engineering Wages and Salaries <u>(Repealed)</u>
711.315	General Allocator <u>(Repealed)</u>
711.320	Marketing Allocator <u>(Repealed)</u>
711.325	Network Plant Wages and Salaries <u>(Repealed)</u>
711.330	Plant Support Wages and Salaries <u>(Repealed)</u>
711.335	Projected Regulated/Nonregulated Shared Usage <u>(Repealed)</u>
711.340	Regulated/Nonregulated Actual Usage <u>(Repealed)</u>
711.345	Relative Investment Value - Regulated/Nonregulated <u>(Repealed)</u>
711.350	Relative Regulated/Nonregulated Pre-Tax Book Income <u>(Repealed)</u>
711.355	Relative Regulated/Nonregulated Revenues <u>(Repealed)</u>
711.360	Service Center Activity Study <u>(Repealed)</u>
711.365	Service Order Activity Analysis <u>(Repealed)</u>
711.370	Trouble Report Analysis <u>(Repealed)</u>
711.375	Total Company Wages and Salaries <u>(Repealed)</u>

SUBPART E: COST APPORTIONMENT – ACCOUNTS

Section	
711.1220	Account 1220 Materials and Supplies <u>(Repealed)</u>
711.1439	Account 1439 Deferred Charges <u>(Repealed)</u>
711.2002	Account 2002 Property Held for Future Telecommunications Use <u>(Repealed)</u>
711.2003	Account 2003 Telecommunications Plant Under Construction - Short Term <u>(Repealed)</u>
711.2004	Account 2004 Telecommunications Plant Under Construction - Long Term <u>(Repealed)</u>
711.2005	Account 2005 Telecommunications Plant Adjustment <u>(Repealed)</u>
711.2111	Account 2111 Land <u>(Repealed)</u>
711.2112	Account 2112 Motor Vehicles <u>(Repealed)</u>

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711.2113	Account 2113 Aircraft (<u>Repealed</u>)
711.2114	Account 2114 Special Purpose Vehicles (<u>Repealed</u>)
711.2115	Account 2115 Garage Work Equipment (<u>Repealed</u>)
711.2116	Account 2116 Other Work Equipment (<u>Repealed</u>)
711.2121	Account 2121 Buildings (<u>Repealed</u>)
711.2122	Account 2122 Furniture (<u>Repealed</u>)
711.2123	Account 2123 Office Equipment (<u>Repealed</u>)
711.2124	Account 2124 General Purpose Computers (<u>Repealed</u>)
711.2211	Account 2211 Analog Electronic Switching (<u>Repealed</u>)
711.2212	Account 2212 Digital Electronic Switching (<u>Repealed</u>)
711.2215	Account 2215 Electro-mechanical Switching (<u>Repealed</u>)
711.2220	Account 2220 Operator Systems (<u>Repealed</u>)
711.2231	Account 2231 Radio Systems (<u>Repealed</u>)
711.2232	Account 2232 Circuit Equipment (<u>Repealed</u>)
711.2311	Account 2311 Station Apparatus (<u>Repealed</u>)
711.2321	Account 2321 Customer Premises Wiring (<u>Repealed</u>)
711.2341	Account 2341 Large Private Branch Exchange (<u>Repealed</u>)
711.2351	Account 2351 Public Telephone Terminal Equipment (<u>Repealed</u>)
711.2362	Account 2362 Other Terminal Equipment (<u>Repealed</u>)
711.2411	Account 2411 Poles (<u>Repealed</u>)
711.2421	Account 2421 Aerial Cable (<u>Repealed</u>)
711.2422	Account 2422 Underground Cable (<u>Repealed</u>)
711.2423	Account 2423 Buried Cable (<u>Repealed</u>)
711.2424	Account 2424 Submarine Cable (<u>Repealed</u>)
711.2425	Account 2425 Deep Sea Cable (<u>Repealed</u>)
711.2426	Account 2426 Intrabuilding Network Cable (<u>Repealed</u>)
711.2431	Account 2431 Aerial Wire (<u>Repealed</u>)
711.2441	Account 2441 Conduit Systems (<u>Repealed</u>)
711.2681	Account 2681 Capital Leases (<u>Repealed</u>)
711.2682	Account 2682 Leasehold Improvements (<u>Repealed</u>)
711.2690	Account 2690 Intangibles (<u>Repealed</u>)
711.3100	Account 3100 Accumulated Depreciation (<u>Repealed</u>)
711.3200	Account 3200 Accumulated Depreciation - Held for Future Telecommunications Use (<u>Repealed</u>)
711.3410	Account 3410 Accumulated Amortization - Capitalized Leases (<u>Repealed</u>)
711.3420	Account 3420 Accumulated Amortization - Leasehold Improvements (<u>Repealed</u>)
711.3500	Account 3500 Accumulated Amortization - Intangibles (<u>Repealed</u>)
711.3600	Account 3600 Accumulated Amortization - Other (<u>Repealed</u>)
711.4100	Account 4100 Net Current Deferred Operating Income Tax (<u>Repealed</u>)
711.4340	Account 4340 Net Noncurrent Deferred Operating Income Tax (<u>Repealed</u>)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 711.6112 Account 6112 Motor Vehicle Expense (Repealed)
- 711.6113 Account 6113 Aircraft Expense (Repealed)
- 711.6114 Account 6114 Special Purpose Vehicle Expense (Repealed)
- 711.6115 Account 6115 Garage Work Equipment Expense (Repealed)
- 711.6116 Account 6116 Other Work Equipment Expense (Repealed)
- 711.6121 Account 6121 Land and Building Expense (Repealed)
- 711.6122 Account 6122 Furniture and Artworks Expense (Repealed)
- 711.6123 Account 6123 Office Equipment Expense (Repealed)
- 711.6124 Account 6124 General Purpose Computers Expense (Repealed)
- 711.6211 Account 6211 Analog Electronic Expense (Repealed)
- 711.6212 Account 6212 Digital Electronic Expense (Repealed)
- 711.6215 Account 6215 Electro-mechanical Expense (Repealed)
- 711.6220 Account 6220 Operators System Expense (Repealed)
- 711.6231 Account 6231 Radio Systems Expense (Repealed)
- 711.6232 Account 6232 Circuit Equipment Expense (Repealed)
- 711.6311 Account 6311 Station Apparatus Expense (Repealed)
- 711.6341 Account 6341 Large Private Branch Exchange Expense (Repealed)
- 711.6351 Account 6351 Public Telephone Terminal Equipment Expense (Repealed)
- 711.6362 Account 6362 Other Terminal Equipment Expense (Repealed)
- 711.6411 Account 6411 Poles Expense (Repealed)
- 711.6421 Account 6421 Aerial Cable Expense (Repealed)
- 711.6422 Account 6422 Underground Cable Expense (Repealed)
- 711.6423 Account 6423 Buried Cable Expense (Repealed)
- 711.6424 Account 6424 Submarine Cable Expense (Repealed)
- 711.6425 Account 6425 Deep Sea Cable Expense (Repealed)
- 711.6426 Account 6426 Intrabuilding Network Cable Expense (Repealed)
- 711.6431 Account 6431 Aerial Wire Expense (Repealed)
- 711.6441 Account 6441 Conduit Systems Expense (Repealed)
- 711.6511 Account 6511 Property Held for Future Telecommunications Use Expense (Repealed)
- 711.6512 Account 6512 Provisioning Expense (Repealed)
- 711.6531 Account 6531 Power Expense (Repealed)
- 711.6532 Account 6532 Network Administration Expense (Repealed)
- 711.6533 Account 6533 Testing Expense (Repealed)
- 711.6534 Account 6534 Plant Operations Administrative Expense (Repealed)
- 711.6535 Account 6535 Engineering Expense (Repealed)
- 711.6540 Account 6540 Access Expense (Repealed)
- 711.6561 Account 6561 Depreciation Expense - Telecommunications Plant in Service (Repealed)
- 711.6562 Account 6562 Depreciation Expense - Property Held for Future

ILLINOIS COMMERCE COMMISSION

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	Telecommunications Use <u>(Repealed)</u>
711.6563	Account 6563 Amortization Expense - Tangible <u>(Repealed)</u>
711.6564	Account 6564 Amortization Expense - Intangible <u>(Repealed)</u>
711.6565	Account 6565 Amortization Expense - Other <u>(Repealed)</u>
711.6611	Account 6611 Product Management Expense <u>(Repealed)</u>
711.6612	Account 6612 Sales Expense <u>(Repealed)</u>
711.6613	Account 6613 Product Advertising Expense <u>(Repealed)</u>
711.6621	Account 6621 Call Completion Services Expense <u>(Repealed)</u>
711.6622	Account 6622 Number Services Expense <u>(Repealed)</u>
711.6623	Account 6623 Customer Services Expense <u>(Repealed)</u>
711.6711	Account 6711 Executive Expense <u>(Repealed)</u>
711.6712	Account 6712 Planning Expense <u>(Repealed)</u>
711.6721	Account 6721 Accounting and Finance Expense <u>(Repealed)</u>
711.6722	Account 6722 External Relations Expense <u>(Repealed)</u>
711.6723	Account 6723 Human Resources Expense <u>(Repealed)</u>
711.6724	Account 6724 Information Management Expense <u>(Repealed)</u>
711.6725	Account 6725 Legal Expense <u>(Repealed)</u>
711.6726	Account 6726 Procurement Expense <u>(Repealed)</u>
711.6727	Account 6727 Research and Development Expense <u>(Repealed)</u>
711.6728	Account 6728 Other General and Administrative Expense <u>(Repealed)</u>
711.6790	Account 6790 Provision for Uncollectible Notes Receivable <u>(Repealed)</u>
711.7110	Account 7110 Income from Custom Work <u>(Repealed)</u>
711.7130	Account 7130 Return from Nonregulated Use of Regulated Facilities <u>(Repealed)</u>
711.7140	Account 7140 Gains and Losses from Foreign Exchange <u>(Repealed)</u>
711.7150	Account 7150 Gains and Losses from the Distribution of Land and Artwork <u>(Repealed)</u>
711.7160	Account 7160 Other Operating Gains and Losses <u>(Repealed)</u>
711.7210	Account 7210 Operating Investment Tax Credits - Net <u>(Repealed)</u>
711.7220	Account 7220 Operating Federal Income Taxes <u>(Repealed)</u>
711.7230	Account 7230 Operating State and Local Income Taxes <u>(Repealed)</u>
711.7240	Account 7240 Operating Other Taxes <u>(Repealed)</u>
711.7250	Account 7250 Provision for Deferred Operating Income Taxes - Net <u>(Repealed)</u>
711.7350	Account 7350 Gains or Losses from the Disposition of Certain Property <u>(Repealed)</u>
711.7370	Account 7370 Special Charges <u>(Repealed)</u>
711.7400	Account 7400 Nonoperating Taxes <u>(Repealed)</u>
711.7510	Account 7510 Interest on Funded Debt <u>(Repealed)</u>
711.7520	Account 7520 Interest Expense - Capital Leases <u>(Repealed)</u>
711.7530	Account 7530 Amortization of Debt Issuance Expense <u>(Repealed)</u>
711.7540	Account 7540 Other Interest Deductions <u>(Repealed)</u>

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711.7610	Account 7610 Extraordinary Income Credits <u>(Repealed)</u>
711.7620	Account 7620 Extraordinary Income Charges <u>(Repealed)</u>
711.7630	Account 7630 Current Income Tax Effects of Extraordinary Items - Net <u>(Repealed)</u>
711.7640	Account 7640 Provision for Deferred Income Tax Effect of Extraordinary Items - Net <u>(Repealed)</u>

SUBPART F: OTHER MATTERSSection711.8000 Audit Requirement711.8005 Waivers

AUTHORITY: Implementing Sections 5-102, 5-103, and 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, 7-206, and 10-101].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1136, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9495, effective May 25, 1988; amended at 27 Ill. Reg. 12388, effective August 1, 2003.

SUBPART A: APPLICATION

Section 711.5 Application

- a) This Part requires carriers subject to Section 711.5(b) to document in a cost allocation manual, specifies the procedures that ~~which~~ will be followed in order to apportion intrastate costs between regulated and nonregulated activities. This Part applies only to those activities categorized as nonregulated in Illinois; it does not apply to those tariffed activities that ~~which~~ have been classified as “competitive” by the Illinois Commerce Commission (“Commission”) ~~(see See Section 13-209 of the The Public Utilities Act (Act) [220 ILCS 5/13-209]). (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-209))~~.
- b) The provisions of this Part are applicable to local exchange carriers (“carriers”) with operations in the State of Illinois that ~~which~~ exceed 35,000 ~~15,000~~ subscriber access lines in service.
- c) Carriers shall update their cost allocation manuals at least annually, except that changes to the cost apportionment table in Section 711.105 and to the description of time reporting procedures in Section 711.107 shall be filed at the time of implementation. Cost allocation manuals shall be filed with the Chief Clerk of the

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Commission, with a copy to the Manager of Accounting, on or before the last working day of each calendar year. Each filing shall identify any specific variance from the prior filing.

- d) ~~If the Federal Communications Commission (“FCC”) requires a carrier to vary from the provisions of this Part, or if modification of this Part is required to conform to separations requirements or the mirroring of access charge determination, the carrier shall notify the Chief Clerk of the Commission with a copy to the Chief Accountant of the Commission identifying the specific variance(s).~~

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

SUBPART B: PRELIMINARY MATERIALS

Section 711.10 Description of Nonregulated Activities

Each carrier is required to have on file with the Chief Clerk of the Commission a description of each nonregulated activity offered by the carrier. This description is to be included in the carrier’s cost allocation manual. Nonregulated activities include those that which:

- a) Have never been subject to tariff regulation, except incidental activities, by either the Commission or the Federal Communications Commission (FCC); or
- b) Have been preemptively detariffed in both jurisdictions by the FCC (e.g., customer premises equipment, enhanced services, and installation and maintenance of inside wiring).

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.15 Incidental Activities

- a) This Part requires that cost allocation procedures reflect the existence of activities in each carrier that which are accorded incidental accounting treatment and allowed to remain on the regulated books of the business. Each carrier is required to have on file with the Chief Clerk of the Commission a description of each activity that which is accorded this treatment. This description is to be included in the carrier’s cost allocation manual. “Incidental activities” include, but are not limited to, items such as land and building space rental, cable locating, and pole contact rental. (See 83 Ill. Adm. Code 710.14 and 710.23)

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- b) Incidental activities are activities that ~~those which~~ meet the following four ~~five~~ conditions.
- 1) The activity is not a line of business;
 - ~~2) The activity has been traditionally treated as incidental by the Commission for ratemaking purposes;~~
 - 2) The activity is an outgrowth of regulated operations;
 - 3) There is little additional financial or business risk to the regulated operation in providing the activity, as determined by the effect on the capital investments and requirements; and
 - 4) The activity utilizes an insubstantial commitment of investment or resources of the carrier, as determined by the capital investments and the service obligations of the carrier.

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

SUBPART C: CORPORATE ORGANIZATION AND AFFILIATE TRANSACTIONS

Section 711.20 Corporate Organization

All carriers offering exchange and exchange access telecommunications services in Illinois are required to file with the Chief Clerk of the Commission a description of the carrier's corporate affiliates. This description is to be included in the carrier's cost allocation manual. Affiliates of the local exchange carriers in this context include any corporate entities, partnerships, or other forms of business organization in which there is some portion of ownership control. Filings with the Commission shall include a brief description of each entity, the conditions of ownership, and a chart of all entities.

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.25 Affiliate Transactions

- a) The cost allocation procedures included in this Part specify the methodology to apportion costs between regulated and nonregulated activities. Each local exchange carrier shall file with the Chief Clerk of the Commission a description of the type of affiliate transactions that ~~which~~ are either provided to regulated operations by nonregulated entities or to nonregulated entities by regulated

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operations (~~see See Section 7-101 of the Act [220 ILCS 5/7-101]~~). ~~This description is to be included in the carrier's cost allocation manual. Ill. Rev. Stat. 1985, ch. 111 2/3, par. 7-101). Details of transactions between two nonregulated activities are not required to be filed with the Chief Clerk of the Commission.~~

- b) The filing shall include the following details for each affiliate transaction:
- 1) Type of transaction;
 - 2) Billing provisions for each service or product provided categorized in one of three methods:
 - A) Market Rate: Using a price given in current market conditions where this price is determined in an arms length transaction;
 - B) Cost: Using the cost apportionment principles and standards included in this Part; or
 - C) Tariff: Using an established rate or charge that ~~which~~ has been filed with the Commission;
 - 3) Frequency of transactions.
- c) Transactions between carriers and their affiliates are to be recorded on the carrier's books at market price, if market price can be determined from a price list or tariff. In the absence of a list or tariff price, assets transferred from the carrier to the nonregulated entity are to be recorded at the higher of the net book cost or fair market value, while assets transferred from the nonregulated entity to the company are to be recorded at the lower of net book cost or fair market value. Services for which there exists no list or tariff price are to be valued using fully distributed cost. See 83 Ill. Adm. Code 710.27.

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

SUBPART D: COST APPORTIONMENT METHODOLOGY AND TIME REPORTING PROCEDURES

Section 711.105 Cost Apportionment

The cost allocation manual shall include a cost apportionment table for each account containing costs incurred in providing regulated services. The apportionment table shall include the cost

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pools by account, the procedures used to place costs into each cost pool, and the method used to apportion the costs within each cost pool between regulated and nonregulated activities.

The cost apportionment methodology is presented in Subpart E. Subpart E is organized as follows:

- a) ~~Heading of Sections: Part 710 account number and description which is to be apportioned (see 83 Ill. Adm. Code 710).~~
- b) ~~Cost Pools. Cost pool(s) into which the account is apportioned.~~
- e) ~~Cost Pool Apportionment Basis: Method for apportioning the account into the specified cost pools (see Section 711.200).~~
- d) ~~Regulated/Nonregulated Apportionment Basis: Method for apportioning the defined cost pools into a regulated and nonregulated component (see Section 711.280).~~
- e) ~~Cost Definition: Characteristics of the costs apportioned to regulated and nonregulated services (see Section 711.110).~~
- f) ~~Comments: Additional narrative included as appropriate to explain the methodology.~~

(Source: Amended at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.107 Time Reporting Procedures

The cost allocation manual shall include a description of the time reporting procedures that the carrier uses, including the methods or studies designed to measure and allocate non-productive time.

(Source: Added at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.110 Cost and Allocation Definitions (Repealed)

- a) ~~The costs which are apportioned to regulated and nonregulated activities through this Part are defined in four categories:~~
 - 1) ~~Directly Assignable: Expenses or investments which are incurred for the exclusive use of either regulated or nonregulated activities.~~

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- ~~2) — Directly Attributable: Expenses or investments which are incurred for both regulated and nonregulated activities but which can be distributed to each using direct measures of cost causation or usage.~~
 - ~~3) — Indirectly Attributable: Expenses or investments which are incurred for both regulated and nonregulated activities and which must be apportioned on the basis of indirect measures of cost causation.~~
 - ~~4) — Unattributable: Expenses or investments which are shared by both regulated and nonregulated activities and for which no direct or indirect measures of cost causation can be used to apportion costs.~~
- ~~b) — The following definitions are used in the description of cost allocation methodologies:~~
- ~~1) — Cost Pool: A homogenous group of costs which have a unique cost determinant.~~
 - ~~2) — Cost Pool Equals Account: The entire account balance forms a single cost pool.~~
 - ~~3) — General Allocator: The ratio of all expenses directly assigned or attributed to regulated and nonregulated activities.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.115 Cost Pools (Repealed)

- ~~a) — Where the apportionment of costs to regulated and nonregulated activities cannot be determined through the nature of the Part 710 Account, cost pools are defined to permit this analysis. Cost pools represent a homogenous group of costs which have a unique cost determinant.~~
- ~~b) — This Part specifies the minimum level of cost pool detail required to distinguish the costs of regulated and nonregulated services. Each local exchange carrier may utilize additional detailed cost pools as appropriate in order to improve the regulated and nonregulated apportionment process. Where detailed cost pools not specified in this Part are used by a carrier, it must file with the Chief Accountant of the Commission detailed information in the format outlined in Subpart E which identifies the basis of the cost pool apportionment and the subsequent regulated/nonregulated apportionment basis. Any reasons and justification for the deviation shall be stated in the comments or attached.~~
- ~~c) — Where accounting systems and procedures of a local exchange carrier do not~~

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~~allow disaggregation of costs to particular pools specified by this Part, such cost pools need not be populated.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.200 Cost Pool Apportionment Bases (Repealed)

~~Where a specific Part 710 Account must be subdivided to permit a causally based apportionment, Subpart E specifies the basis by which the account is apportioned into multiple cost pools. Sections 711.205 through 711.275 outline each of these bases and provide a cross reference to the specific accounts in Subpart E where the method is employed.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.205 Cost Pool Account Transaction Analysis (Repealed)

- ~~a) Several of the Part 710 Accounts include costs whose characteristics can only be defined through the direct analysis of the transactions and are classified into either a regulated, nonregulated, or shared cost pool.~~
- ~~b) Account transaction analysis is used to apportion the following accounts into cost pools:~~
- ~~Account 2690 Intangible Assets~~
 - ~~Account 6612 Sales Expenses~~
 - ~~Account 6728 Other General and Administrative~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.210 Analysis of Leased Assets (Repealed)

- ~~a) The capital leases and leasehold improvements of each local exchange carrier are classified on an annual basis into three cost pools: Regulated, Nonregulated, and Other. This analysis is completed through the use of existing company property and lease records. The costs of any leases exclusively used for either regulated or nonregulated services are assigned directly to the appropriate cost pool within the account. All other leases are assigned to the Other Cost Pool by major asset category.~~
- ~~b) The lease and leasehold analysis process is used to apportion the following accounts into cost pools:~~

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~~Account 2681 Capital Leases
Account 2682 Leasehold Improvements~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.215 Analysis of Motor Vehicle Records (Repealed)

~~An annual analysis of motor vehicle records is to be made in order to apportion the investment in Account 2112 into two cost pools:~~

- ~~a) Plant~~
- ~~b) Customer and Corporate Operations~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.220 Analysis of Information Management Projects (Repealed)

~~a) The information management projects undertaken by each local exchange carrier are classified on an annual basis into three cost pools:~~

- ~~1) Regulated~~
- ~~2) Nonregulated~~
- ~~3) Shared~~

~~b) The information management project analysis process is used to apportion Account 6724 Information Management Expense into cost pools.~~

~~c) The costs of any projects undertaken exclusively for either regulated or nonregulated services are assigned directly to the appropriate cost pool. The costs of any remaining projects are allocated using the General Allocator.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.225 Analysis of Research and Development Projects (Repealed)

- ~~a) The research and development ("R&D") projects undertaken by each local exchange carrier are classified on an annual basis into three cost pools: Regulated, Nonregulated, and Shared. This analysis is completed through the use of company R&D project records. The costs of any projects undertaken exclusively for either~~

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~~regulated or nonregulated services are assigned directly to the appropriate cost pool. The costs of all remaining projects are assigned to the Shared Cost Pool.~~

- ~~b) — The R&D project analysis process is used to apportion Account 6727 Research & Development Expense into cost pools.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.230 Analysis of Purchase Records (Repealed)

- ~~a) — The purchasing records of the local exchange carrier are classified on an annual basis into three cost pools: Regulated, Nonregulated, and Shared. This analysis is completed through the use of company purchasing records. In this analysis, the proportional purchasing activity related to nonregulated and regulated services is determined; these ratios are applied to the balance in the account, and the resultant costs are then assigned directly to the appropriate cost pool. The percentage of remaining purchasing activity is then applied to the costs in the account to determine the costs in the Shared Cost Pool.~~
- ~~b) — The purchase records analysis process is used to apportion Account 6726 Procurement Expense into cost pools.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.235 Analysis of Tax Records (Repealed)

~~The tax records of the local exchange carrier are analyzed annually to apportion Account 7210 Operating Investment Tax Credit Net into the defined cost pools. The cost pools are defined by major asset category in a manner which reflects how investment credits are generated.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.245 Computer Application Activity Analysis (Repealed)

- ~~a) — An analysis of the company's computer application records is to be completed, not less frequently than annually, in order to apportion Account 2124 into four costs pools:~~
- ~~1) — Regulated~~
 - ~~2) — Nonregulated~~

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3) ~~Shared Functional Operations~~

4) ~~General Support~~

b) ~~In this analysis the costs of applications undertaken exclusively for either regulated or nonregulated services are assigned directly to the appropriate cost pool. Costs of applications which are functional in nature and are shared by regulated and nonregulated services are assigned to the Shared cost pool. Finally, the costs of any remaining applications are assigned to the General Support cost pool.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.250 Building/Floor Space Use Study (Repealed)

~~Local exchange carrier property records and building usage analyses contain information on the functions which use the productive space (space used for the provision of telecommunications services or the generation of revenue) in the company's building investment on either a detailed or summary location basis. This usage data permits an annual apportionment of Account 2121 into these cost pools:~~

a) ~~Central Office~~

b) ~~Plant Support~~

e) ~~Customer and Corporate Operations~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.255 Direct Reporting (Repealed)

a) ~~The operational and accounting systems of the local exchange carrier support the direct identification of costs to cost pools through the use of functionally based reporting codes. These codes are assigned to specific work activities, and subsequently related to specific cost pools. Employees may also report to these codes through time reporting procedures.~~

b) ~~The direct reporting of functionally based codes is used to identify selected cost pools in the following accounts:~~

~~Account 1220 Materials and Supplies~~

~~Account 6116 Other Work Equipment Expense~~

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~~Account 6212 Digital Electronic Expense
Account 6231 Radio Systems Expense
Account 6232 Circuit Equipment Expense
Account 6311 Station Apparatus Expense
Account 6341 Large Private Branch Exchange Expense
Account 6351 Public Telephone Terminal Equipment Expense
Account 6362 Other Terminal Equipment Expense
Account 6512 Provisioning
Account 6533 Testing Expenses
Account 6611 Product Management
Account 6612 Sales
Account 6613 Product Advertising
Account 6621 Call Completion
Account 6622 Number Services
Account 6623 Customer Services
Account 6712 Planning
Account 6721 Accounting and Finance
Account 6722 External Relations
Account 6724 Information Management
Account 6725 Legal
Account 6728 Other General and Administrative~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.260 Flight Logs (Repealed)

- a) ~~Flight logs maintained of all aircraft usage by the local exchange carrier are used to classify the investment in Account 2113 into three cost pools: Regulated, Nonregulated, and Shared.~~
- b) ~~Flight logs are completed by the originator of the flight and the pilot. They provide details of the purpose of the flight, the organization using the aircraft, and the determination of whether the purpose of the flight was exclusively for regulated or nonregulated purposes. Where the aircraft usage cannot be clearly identified as either regulated or nonregulated, the residual investment and associated expenses are assigned to the Shared Cost Pool.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.265 Property Record Analysis (Repealed)

- a) ~~The property records of the company facilitate the disaggregation of the account so that direct assignment to regulated and nonregulated services can be~~

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~~maximized. In many cases, investment which is dedicated to the regulated and nonregulated services can be identified through these records or through unique subaccounts.~~

- ~~b) The details in a company's property records or subaccounts are used to apportion the following accounts into cost pools:~~

~~Account 2212 Digital Electronic Switching
Account 2231 Radio Systems
Account 2232 Circuit Equipment
Account 2311 Station Apparatus
Account 2321 Customer Premises Wiring
Account 2341 Large Private Branch Exchanges
Account 2351 Public Telephone Terminal Equipment
Account 2362 Other Terminal Equipment
Account 3100 Accumulated Depreciation~~

~~Account 6561 Depreciation Expense—Telecommunications Plant in Service~~

~~(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)~~

~~Section 711.270 Relative Investment Value - Cost Pool Apportionment (Repealed)~~

- ~~a) The reference to relative investment value as the basis for the cost pool apportionment indicates that a proportional relationship of an investment category to a larger pool of investment is used to determine the cost pool balance.~~
- ~~b) The relative value of the related buildings investments is used to apportion Account 2111 Land into three cost pools.~~

~~(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)~~

~~Section 711.275 Testing Activity Study (Repealed)~~

~~If the functional records of a local exchange carrier do not permit the identification of the specified cost pools in Account 6533 Testing Expense, an annual study shall be performed to determine the proportional amount of time spent by the testing personnel and forces on subscriber line testing, service order testing, and all other forms of testing.~~

~~(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)~~

~~Section 711.280 Regulated/Nonregulated Apportionment Bases (Repealed)~~

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~~Cost pools are defined to be homogenous groups of costs which share a causal relationship. Many cost pools can be directly assigned to either regulated or nonregulated activities. Where a cost pool cannot be directly assigned to either regulated or nonregulated service, a further apportionment is required. Sections 711.285 through 711.375 outline each of these bases and provide a cross reference to the specific accounts in Subpart E where the method is employed.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.285 Account Transaction Analysis - Regulated/Nonregulated (Repealed)

- a) ~~Several of the cost pools consist of costs whose regulated and nonregulated characteristics can only be defined through the direct analysis of transactions during the period. Direct analysis of an account requires an examination and review of the transactions made into the account to determine the proper categorization of the expenditures as to the regulated, nonregulated, or shared cost pools.~~
- b) ~~Account transaction analysis is used to apportion selected cost pools to regulated and nonregulated activities in the following accounts.~~

~~Account 2002 Property Held for Future Telecommunications Use
Account 2003 Telecommunications Plant Under Construction—Short
Term
Account 2004 Telecommunications Plant Under Construction—Long
Term
Account 2005 Telecommunications Plant Adjustment
Account 4100 Net Current Deferred Operating Income Taxes
Account 4340 Net Noncurrent Deferred Operating Income Taxes
Account 6512 Provisioning Expense
Account 6790 Provision for Uncollectible Notes Provision
Account 7150 Gains or Losses From the Disposition of Land and
Artworks
Account 7160 Other Operating Gains and Losses
Account 7240 Operating Other Taxes
Account 7250 Provision for Deferred Operating Income Taxes—Net
Account 7350 Gains or Losses from the Disposition of Certain Property
Account 7400 Nonoperating Taxes
Account 7610 Extraordinary Income Credits
Account 7620 Extraordinary Income Charges
Account 7630 Current Income Tax Effects of Extraordinary Items—Net
Account 7640 Provision for Deferred Income Tax Effect of Extraordinary
Items—Net~~

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- e) ~~Uncollectible revenues. Account 5301 Uncollectible Revenues—Telecommunications, associated with furnishing regulated services, will be directly assigned to regulated activities. Uncollectible revenues associated with nonregulated activities will be directly assigned to nonregulated activities and specifically identified in a nonregulated subsidiary record category.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.290 Billing and Collection Study (Repealed)

~~A study, completed at least annually, is required to apportion customer billing and collection costs to regulated and nonregulated activities. This study is used to apportion selected cost pools in Account 6623 Customer Services. This study shall distinguish the nonregulated proportion of the key determinants of customer billing and collection: messages or billing units, and lines of billing.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.305 Customer and Corporate Operations Wages and Salaries (Repealed)

- a) ~~Customer and corporate operations wages and salaries are used as the indirect basis for apportioning selected cost pools between regulated and nonregulated activities where these wages and salaries are the primary determinant of cost behavior.~~
- b) ~~Customer and corporate operations wages and salaries are used to apportion selected cost pools in the following accounts:~~

~~Account 2111 Land
Account 2112 Motor Vehicles
Account 2121 Buildings~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.309 Engineering Time Reporting (Repealed)

~~Engineering time reporting is used as the indirect basis for apportioning selected cost pools between regulated and nonregulated activities. Engineering time reporting is used to apportion selected pools in Account 6535 Engineering Expense.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.310 Engineering Wages and Salaries (Repealed)

- a) ~~Engineering wages and salaries are used as the indirect basis for apportioning selected cost pools between regulated and nonregulated activities. The basis is used since expenses for engineering labor are the primary determinant of cost behavior in this account.~~
- b) ~~Engineering wages and salaries are used to apportion selected cost pools in the following accounts:~~

~~Account 1439 Deferred Charges
Account 6535 Engineering Expense~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.315 General Allocator (Repealed)

- a) ~~This Part prescribes the use of a general allocator to apportion those costs pools for which no direct or indirect measures of cost causation are available.~~
- b) ~~Selected cost pools in the following accounts are apportioned using the general allocator:~~

~~Account 1439 Deferred Charges
Account 2113 Aircraft
Account 2124 General Purpose Computers
Account 2690 Intangibles
Account 6623 Customer Services Expense
Account 6711 Executive Expense
Account 6712 Planning Expense
Account 6721 Accounting and Finance
Account 6722 External Relations
Account 6724 Information Management
Account 6725 Legal Expense
Account 6726 Procurement
Account 6727 Research and Development Expense
Account 6728 Other General and Administrative Expense
Account 7370 Special Charges~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.320 Marketing Allocator (Repealed)

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- a) ~~The marketing allocator is used to apportion those cost pools of marketing expenses for which measures of cost behavior cannot be identified. The allocator is based on the results of previous direct assignments and attributions of marketing costs.~~
- b) ~~The marketing allocator is used to apportion marketing expenses in selected cost pools in the following accounts:~~

~~Account 6611 Product Management
Account 6612 Sales
Account 6613 Product Advertising
Account 6623 Customer Services
Account 6722 External Relations~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.325 Network Plant Wages and Salaries (Repealed)

~~Network plant wages and salaries are used as the indirect basis for apportioning selected cost pools between regulated and nonregulated activities where these wages and salaries are the primary determinant of cost behavior. Network plant wages and salaries are used to apportion selected cost pools in Account 2116 Other Work Equipment.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.330 Plant Support Wages and Salaries (Repealed)

- a) ~~Plant support wages and salaries are used as the indirect basis for apportioning selected cost pools where these wages and salaries are the primary determinant of cost behavior.~~
- b) ~~Plant support wages and salaries are used to apportion selected cost pools in the following accounts:~~

~~Account 2111 Land
Account 2112 Motor Vehicles
Account 2121 Buildings
Account 6534 Plant Operations Administration Expense~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.335 Projected Regulated/Nonregulated Shared Usage (Repealed)

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- a) ~~The costs of network investment which is shared by both regulated and nonregulated services are normally recovered on the basis of tariff rates. Any shared investment which is not utilized at tariff rates is apportioned on the basis of peak projected nonregulated usage.~~
- b) ~~The forecasting process is completed annually for each cost pool and uses a three year forecasting period. During each forecast, the highest level of forecast nonregulated usage is determined and used to apportion the costs of investment. When the tracking process identifies a variance between forecast and actual usage, a reconciliation shall be required. If actual nonregulated usage has been greater than the cumulative forecast, additional investment is to be transferred from the regulated activities.~~
- c) ~~The forecasting of usage is the basis for the apportionment of the Shared Cost Pools in the following accounts:~~

~~Account 2211 Analog Electronic Switching
Account 2212 Digital Electronic Switching
Account 2215 Electro-mechanical Switching
Account 2220 Operator Systems
Account 2411 Poles
Account 2421 Aerial Cable
Account 2422 Underground Cable
Account 2423 Buried Cable
Account 2424 Submarine Cable
Account 2425 Deep Sea Cable
Account 2426 Intrabuilding Network Cable
Account 2431 Aerial Wire
Account 2441 Conduit Systems~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.340 Regulated/Nonregulated Actual Usage (Repealed)

- a) ~~The actual regulated and nonregulated usage of shared network investment is the basis for apportioning related expenses. Actual usage is measured annually, generally through the use of the property or administrative records of the local exchange carrier.~~
- b) ~~Actual usage is the basis for the apportionment of the Shared Cost Pool in Account 6212 Digital Electronic Expense.~~

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(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.345 Relative Investment Value - Regulated/Nonregulated (Repealed)

- a) ~~The reference to relative investment value as the basis for the regulated and nonregulated apportionment indicates that the proportional relationship of the regulated and nonregulated investment in a specific investment category (e.g. Central Office) is used to determine the regulated and nonregulated balances in the cost pool apportioned.~~
- b) ~~Relative investment value is used to apportion selected cost pools to regulated and nonregulated activities. The specific measures used for each account apportionment are outlined in Subpart E:~~

~~Account 1220 Materials and Supplies
Account 2111 Land
Account 2114 Special Purpose Vehicles
Account 2115 Garage Work Equipment
Account 2121 Buildings
Account 3100 Accumulated Depreciation
Account 3200 Accumulated Depreciation Held for Future Telecommunications Use
Account 3410 Accumulated Amortization Capitalized Leases
Account 3420 Accumulated Amortization Leasehold Improvements
Account 3500 Accumulated Amortization Intangibles
Account 3600 Accumulated Amortization Other
Account 6112 Motor Vehicle Expense
Account 6113 Aircraft Expense
Account 6114 Special Purpose Vehicle Expense
Account 6115 Garage Work Equipment Expense
Account 6116 Other Work Equipment Expense
Account 6121 Land and Building Expense
Account 6122 Furniture and Artworks Expense
Account 6123 Office Equipment Expense
Account 6124 General Purpose Computers Expense
Account 6211 Analog Electronic Expense
Account 6215 Electro-mechanical Expense
Account 6220 Operators System Expense
Account 6231 Radio Systems Expense
Account 6232 Circuit Equipment Expense
Account 6411 Poles Expense
Account 6421 Aerial Cable Expense
Account 6422 Underground Cable Expense
Account 6423 Buried Cable Expense~~

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~~Account 6424 Submarine Cable Expense~~
~~Account 6425 Deep Sea Cable Expense~~
~~Account 6426 Intra-building Network Cable Expense~~
~~Account 6431 Aerial Wire Expense~~
~~Account 6441 Conduit Systems Expense~~
~~Account 6511 Property Held for Future Telecommunications Use Expense~~
~~Account 6531 Power Expense~~
~~Account 6532 Network Administration Expense~~
~~Account 6561 Depreciation Expense Telecommunications Plant in Service~~
~~Account 6562 Depreciation Expense Property Held for Future Telecommunications Expense~~
~~Account 6563 Amortization Expense Tangible~~
~~Account 6564 Amortization Expense Intangible~~
~~Account 6565 Amortization Expense Other~~
~~Account 7210 Operating Investment Tax Credits Net~~
~~Account 7240 Operating Other Taxes~~
~~Account 7250 Provision for Deferred Operating Income Taxes Net~~
~~Account 7510 Interest on Funded Debt~~
~~Account 7520 Interest Expense Capital Leases~~
~~Account 7530 Amortization of Debt Issuance Expense~~
~~Account 7540 Other Interest Deductions~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.350 Relative Regulated/Nonregulated Pre-Tax Book Income (Repealed)

~~Certain of the tax accounts of each company reflect taxes which are calculated on the basis of pre-tax book income. This measure, therefore, is used to apportion the cost pools to regulated and nonregulated activities. The accounts in which selected costs pools use this basis are:~~

~~Account 7220 Operating Federal Income Taxes~~
~~Account 7230 Operating State and Local Income Taxes~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.355 Relative Regulated/Nonregulated Revenues (Repealed)

~~One cost pool specified in this Part reflects the gross receipt taxes paid by each company. The appropriate apportionment measure for the Gross Receipts cost pool in Account 7240 Operating Other Taxes is relative to the nature of the revenue on which the tax or fee is applied.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.360 Service Center Activity Study (Repealed)

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- a) ~~A study, completed at least annually, is required to distinguish the proportion of service center activity which is related to regulated and nonregulated services. A study is the most appropriate method of developing an apportionment process since service center activity involves multiple tasks which only require a small increment of time to complete. The study shall distinguish the regulated and nonregulated proportion of activity in each of the two key functions of a service center: sales and servicing. The study records the time spent on each task performed as well as what the task was. This study is finally summarized by task and time spent on each task.~~
- b) ~~The results of the service center study are used to apportion selected cost pools in the following accounts:~~

~~Account 6612 Sales~~

~~Account 6623 Customer Services Expense~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.365 Service Order Activity Analysis (Repealed)

~~The service order analysis process distinguishes the regulated and nonregulated related service order. The methodology involves a monthly tally of service order activity to apportion the costs of the service order testing cost pool in Account 6533 Testing.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.370 Trouble Report Analysis (Repealed)

~~The trouble report analysis process distinguishes the regulated and nonregulated portions of testing due to trouble reports. The methodology involves a monthly tally of trouble report dispositions to apportion the costs of the Subscriber Line Testing cost pool in Account 6533 Testing.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.375 Total Company Wages and Salaries (Repealed)

- a) ~~Total regulated and nonregulated wages and salaries for each local exchange carrier are used as the indirect basis for apportioning selected cost pools where total wages and salaries are the primary determinant of cost behavior.~~
- b) ~~Total wages and salaries are used to apportion selected cost pools in the following~~

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accounts:

~~Account 1439 Deferred Charges~~
~~Account 6723 Human Resources Expense~~

~~Account 7250 Provision for Deferred Operating Income Taxes Net~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

SUBPART E: COST APPORTIONMENT – ACCOUNTS

Section 711.1220 Account 1220 Materials and Supplies (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.1439 Account 1439 Deferred Charges (Repealed)

- a) ~~Engineering cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals subaccount~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Engineering wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Compensated absences cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals subaccount~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- e) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals subaccount~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General Allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2002 Account 2002 Property Held for Future Telecommunications Use (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: An analysis of the property records for this account will be performed to determine the major asset classification for the property in question. Each asset~~

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~~will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2003 Account 2003 Telecommunications Plant Under Construction - Short Term
(Repealed)

- ~~a) Cost Pool: Same as Account~~
- ~~b) Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) Cost Definition: See subsection (e)~~
- ~~e) Comments: An analysis of the property records for this Account will be performed to determine the major asset classification for the property in question. Each asset will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2004 Account 2004 Telecommunications Plant Under Construction - Long Term
(Repealed)

- ~~a) Cost Pool: Same as Account~~
- ~~b) Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) Cost Definition: See subsection (e)~~
- ~~e) Comments: An analysis of the property records for this Account will be performed to determine the major asset classification for the property in question. Each asset will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2005 Account 2005 Telecommunications Plant Adjustment (Repealed)

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- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: An analysis of the property records for this Account will be performed to determine the major asset classification for the property in question. Each asset will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2111 Account 2111 Land (Repealed)

- a) ~~Central Office cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Central Office Building in Account 2121 relative to total building investment.~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Plant Support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Plant Support Buildings in Account 2121 relative to total building investment~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Plant Support wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- c) ~~Customer and Corporate Operations cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Customer and Corporate Operations Buildings in Account 2121 relative to total building investment~~

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- ~~2) — Regulated/Nonregulated Apportionment Basis: Customer and Corporate Operations wages and salaries~~
- ~~3) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2112 Account 2112 Motor Vehicles (Repealed)

- ~~a) — Plant cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Analysis of motor vehicle records~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Plant wages and salaries~~
 - ~~3) — Cost Definition: Indirectly attributable~~
- ~~b) — Customer and Corporate Operations cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Analysis of motor vehicle records~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Customer and Corporate Operation wages and salaries~~
 - ~~3) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2113 Account 2113 Aircraft (Repealed)

- ~~a) — Regulated cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Flight logs~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - ~~3) — Cost Definition: Directly assignable~~
- ~~b) — Nonregulated cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Flight logs~~

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- ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
- ~~3) — Cost Definition: Directly assignable~~
- ~~e) — Shared cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Residual of Account~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: General Allocator~~
 - ~~3) — Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2114 Account 2114 Special Purpose Vehicles (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Cable and Wire~~
- ~~d) — Cost Definition: Indirectly attributable~~
- ~~e) — Comments: Since all outside plant assets are regulated, the regulated/nonregulated apportionment of special purpose vehicles could also be assigned.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2115 Account 2115 Garage Work Equipment (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Accounts supported by garage equipment~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.2116 Account 2116 Other Work Equipment (Repealed)

- a) ~~Central Office cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Same as Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Net work Plant wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Outside Plant cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Analysis of work equipment~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Out side plant wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2121 Account 2121 Buildings (Repealed)

- a) ~~Central Office cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Plant Support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Plant support wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~

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- e) ~~Customer and Corporate Operations cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Customer and corporate operations wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2122 Account 2122 Furniture (Repealed)

- a) ~~Cost pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries less installation and repair wages and salaries~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2123 Account 2123 Office Equipment (Repealed)

- a) ~~Office Support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccount~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries less field forces wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Company Communications cost pool~~
 - 1) ~~Cost Pool Apportionment basis: Cost pool equals Subaccount~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~

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~~3) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2124 Account 2124 General Purpose Computers (Repealed)

~~a) — Regulated cost pool~~

~~1) — Cost Pool Apportionment Basis: Application activity analysis~~

~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

~~3) — Cost Definition: Directly assignable~~

~~b) — Nonregulated cost pool~~

~~1) — Cost Pool Apportionment Basis: Application activity analysis~~

~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~

~~3) — Cost Definition: Directly assignable~~

~~c) — Shared Functional Operations cost pool~~

~~1) — Cost Pool Apportionment Basis: Application activity analysis~~

~~2) — Regulated/Nonregulated Apportionment Basis: Functional analysis~~

~~3) — Cost Definition: See subsection (c)(4)~~

~~4) — Comments: Functional analysis will be used to determine the uses of investment which is not exclusively regulated or nonregulated. An appropriate regulated/nonregulated allocator will be defined for each function.~~

~~d) — General Support cost pool~~

~~1) — Cost Pool Apportionment Basis: Application activity analysis~~

~~2) — Regulated/Nonregulated Apportionment Basis: General Allocator~~

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3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2211 Account 2211 Analog Electronic Switching (Repealed)

a) ~~Regulated cost pool~~

1) ~~Cost Pool Apportionment Basis: Direct reporting Regulated/ Non-regulated Apportionment Basis: Directly assigned to Regulated~~

2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

3) ~~Cost Definition: Directly assignable~~

b) ~~Nonregulated cost pool~~

1) ~~Cost Pool Apportionment Basis: Direct reporting~~

2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~

3) ~~Cost Definition: Directly assignable~~

c) ~~Shared cost pool~~

1) ~~Cost Pool Apportionment Basis: Residual of Account~~

2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~

3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2212 Account 2212 Digital Electronic Switching (Repealed)

a) ~~Regulated cost pool~~

1) ~~Cost Pool Apportionment Basis: Property record analysis~~

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- 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- 3) ~~Cost Definition: Directly assignable~~
- 4) ~~Comments: Includes any digital electronic switching used either only for regulated services or charged to nonregulated on a tariff basis.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~
 - 4) ~~Comments: Includes shared investment required for packet switch and protocol conversion functions.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2215 Account 2215 Electro-mechanical Switching (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2220 Account 2220 Operator Systems (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
- 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2231 Account 2231 Radio Systems (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Includes all investment used either exclusively for regulated services or charged on a tariff basis to nonregulated services.~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2232 Account 2232 Circuit Equipment (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

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- 3) ~~Cost Definition: Directly assignable~~
- 4) ~~Comments: Includes all investment used either exclusively for regulated services or charged on a tariff basis to nonregulated services.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Includes digital and analog circuit equipment used in the provision of nonregulated services.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2311 Account 2311 Station Apparatus (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2321 Account 2321 Customer Premises Wiring (Repealed)

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- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2341 Account 2341 Large Private Branch Exchange (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.2351 Account 2351 Public Telephone Terminal Equipment (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2362 Account 2362 Other Terminal Equipment (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Property record analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2411 Account 2411 Poles (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting Regulated/Nonregulated Apportionment Basis:~~
 - 2) ~~Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting Regulated/Nonregulated Apportionment Basis:~~
 - 2) ~~Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.2421 Account 2421 Aerial Cable (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting Regulated/Nonregulated Apportionment Basis:~~
 - 2) ~~Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2422 Account 2422 Underground Cable (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2423 Account 2423 Buried Cable (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
- 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2424 Account 2424 Submarine Cable (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2425 Account 2425 Deep Sea Cable (Repealed)

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- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2426 Account 2426 Intra-building Network Cable (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - 3) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2431 Account 2431 Aerial Wire (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~

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- ~~2) — Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
- ~~3) — Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2441 Account 2441 Conduit Systems (Repealed)

- ~~a) — Regulated cost pool
 - ~~1) — Cost Pool Apportionment Basis: Direct reporting~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - ~~3) — Cost Definition: Directly assignable~~~~
- ~~b) — Nonregulated cost pool
 - ~~1) — Cost Pool Apportionment Basis: Direct reporting~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - ~~3) — Cost Definition: Directly assignable~~~~
- ~~e) — Shared cost pool
 - ~~1) — Cost Pool Apportionment Basis: Residual of Account~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Projected Regulated/Nonregulated shared usage~~
 - ~~3) — Cost Definition: Directly attributable~~~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2681 Account 2681 Capital Leases (Repealed)

- ~~a) — Regulated cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- c) ~~Other cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Methodology by major asset class~~
 - 3) ~~Cost Definition: See subsection (c)(4)~~
 - 4) ~~Comments: An analysis of the lease record for this Account will be performed to determine the major asset classification for the property in question. Each asset will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2682 Account 2682 Leasehold Improvements (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- e) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Lease analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Methodology by major asset class~~
 - 3) ~~Cost Definition: See subsection (c)(4)~~
 - 4) ~~Comments: An analysis of the lease record for this Account will be performed to determine the major asset classification for the property in question. Each asset will be treated with the same methodology used for that asset classification.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.2690 Account 2690 Intangibles (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~

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- ~~3) — Cost Definition: Directly assignable~~
- ~~e) — Shared cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Account transaction analysis~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: General Allocator~~
 - ~~3) — Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3100 Account 3100 Accumulated Depreciation (Repealed)

- ~~a) — Cost Pool: Cost pool equals Subaccount by major asset category~~
- ~~b) — Cost Pool Apportionment Basis: Analysis of property records~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative investment of major asset category~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3200 Account 3200 Accumulated Depreciation - Held for Future Telecommunications Use (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Property held for future telecommunications use~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3410 Account 3410 Accumulated Amortization - Capitalized Leases (Repealed)

- ~~a) — Cost Pool: Same as Account~~

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- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Capital lease investment~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3420 Account 3420 Accumulated Amortization - Lease-hold Improvements
(Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative Value: Leasehold improvement investments~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3500 Account 3500 Accumulated Amortization – Intangibles (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Relative Value: Intangible investment~~
- ~~d) — Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.3600 Account 3600 Accumulated Amortization – Other (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

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- ~~e) — Regulated/Nonregulated Apportionment Basis: Relative Value: Telecommunications plant adjustment~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.4100 Account 4100 Net Current Deferred Operating Income Tax (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~e) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) — Cost Definition: Directly attributable~~
- ~~e) — Comments: Costs are apportioned to regulated and nonregulated cost objectives on the basis of the timing differences which gave rise to the deferral.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.4340 Account 4340 Net Noncurrent Deferred Operating Income Tax (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~e) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) — Cost Definition: Directly attributable~~
- ~~e) — Comments: Costs are apportioned to regulated and nonregulated cost objectives on the basis of the timing differences which gave rise to the deferral.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6112 Account 6112 Motor Vehicle Expense (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

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- e) ~~Regulated/Nonregulated Apportionment Basis: Customer and Corporate Operations motor vehicle investment~~
- d) ~~Cost Definition: Indirectly attributable~~
- e) ~~Comments: Expenses for all classes of vehicles other than Customer and Corporate Operations are cleared through Account 6112 prior to the apportionment of these residual costs.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6113 Account 6113 Aircraft Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- e) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Aircraft investment~~
- d) ~~Cost Definition: Indirectly attributable~~
- e) ~~Comments: Expenses apportionment on the basis of relative regulated/nonregulated investment are the net expenses after clearance.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6114 Account 6114 Special Purpose Vehicle Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- e) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Special purpose vehicle~~
- d) ~~Cost Definition: Indirectly attributable~~
- e) ~~Comments: Expenses apportionment on the basis of relative regulated/nonregulated investment are the net expenses after clearance.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

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Section 711.6115 Account 6115 Garage Work Equipment Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Garage Work Equipment~~
- d) ~~Cost Definition: Indirectly attributable~~
- e) ~~Comments: Expenses apportionment on the basis of relative regulated/nonregulated investment are the net expenses after clearance.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6116 Account 6116 Other Work Equipment Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Other work equipment investment~~

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- 3) ~~Cost Definition: Indirectly assignable~~
- 4) ~~Comments: Expenses apportionment on the basis of relative regulated/nonregulated investment are the net expenses after clearance.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6121 Account 6121 Land and Building Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Land and buildings owned and capitalized lease investments~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6122 Account 6122 Furniture and Artworks Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Furniture investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6123 Account 6123 Office Equipment Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Office equipment investment~~

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~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6124 Account 6124 General Purpose Computers Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: General purpose computers investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6211 Account 6211 Analog Electronic Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Analog electronic investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6212 Account 6212 Digital Electronic Expense (Repealed)

~~a) — Regulated cost pool~~

~~1) — Cost Pool Apportionment Basis: Direct reporting~~

~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

~~3) — Cost Definition: Directly assignable~~

~~4) — Comments: Includes those expenses identified in direct plant reporting as~~

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~~regulated.~~

- ~~b) Nonregulated cost pool~~
 - ~~1) Cost Pool Apportionment Basis: Direct reporting~~
 - ~~2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - ~~3) Cost Definition: Directly assignable~~
- ~~e) Shared cost pool~~
 - ~~1) Cost Pool Apportionment Basis: Direct reporting~~
 - ~~2) Regulated/Nonregulated Apportionment Basis: Regulated/ Nonregulated actual usage~~
 - ~~3) Cost Definition: Indirectly Attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6215 Account 6215 Electro-mechanical Expense (Repealed)

- ~~a) Cost Pool: Same as Account~~
- ~~b) Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) Regulated/Nonregulated Apportionment Basis: Relative value: Electro-mechanical investment~~
- ~~d) Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6220 Account 6220 Operators System Expense (Repealed)

- ~~a) Cost Pool: Same as Account~~
- ~~b) Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) Regulated/Nonregulated Apportionment Basis: Relative value: Operator systems~~

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~~investment~~

~~d) Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6231 Account 6231 Radio Systems Expense (Repealed)

~~a) Regulated cost pool~~

~~1) Cost Pool Apportionment Basis: Direct reporting~~

~~2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

~~3) Cost Definition: Directly assignable~~

~~4) Comments: Includes those expenses identified in direct plant reporting as regulated.~~

~~b) Nonregulated cost pool~~

~~1) Cost Pool Apportionment Basis: Direct reporting~~

~~2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~

~~3) Cost Definition: Directly assignable~~

~~e) Shared cost pool~~

~~1) Cost Pool Apportionment Basis: Residual of Account~~

~~2) Regulated/Nonregulated Apportionment Basis: Relative value: Radio systems investment~~

~~3) Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6232 Account 6232 Circuit Equipment Expense (Repealed)

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- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Includes those expenses identified in direct plant reporting as regulated.~~
- b) ~~Nonregulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- c) ~~Shared cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Circuit equipment investment~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6311 Account 6311 Station Apparatus Expense (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6341 Account 6341 Large Private Branch Exchange Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6351 Account 6351 Public Telephone Terminal Equipment Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

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- 3) ~~Cost Definition: Directly assignable~~
- 4) ~~Comments: Follows investment in Account 2351.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6362 Account 6362 Other Terminal Equipment Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Includes equal access expenses as well as those identified in direct reporting as regulated.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6411 Account 6411 Poles Expense (Repealed)

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- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Poles investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6421 Account 6421 Aerial Cable Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Aerial cable investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6422 Account 6422 Underground Cable Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Underground cable investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6423 Account 6423 Buried Cable Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~

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~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Buried cable investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6424 Account 6424 Submarine Cable Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Submarine cable investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6425 Account 6425 Deep Sea Cable Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Deep sea cable investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6426 Account 6426 Intrabuilding Network Cable Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Intrabuilding cable investment~~

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~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6431 Account 6431 Aerial Wire Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Aerial wire investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6441 Account 6441 Conduit Systems Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~c) — Regulated/Nonregulated Apportionment Basis: Relative value: Conduit systems investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6511 Account 6511 Property Held for Future Telecommunications Use Expense (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~c) — Regulated/Nonregulated Apportionment Basis: Property held for future telecommunications use~~

~~d) — Cost Definition: Indirectly attributable~~

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(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6512 Account 6512 Provisioning Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting or account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting or account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes the expenses caused by inventory adjustments exclusively related to nonregulated customer premises equipment.~~
- c) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Plant Nonspecific Operations, Customer Operations and Corporate Operations Wages and Salaries less Provisioning Wages and Salaries.~~
 - 3) ~~Cost Definition: Indirectly attributable~~
 - 4) ~~Comments: The regulated/nonregulated apportionment basis is only Plant Nonspecific Operations, Customer Operations, and Corporate Operations Wages and Salaries, since all other expenses are cleared from this Account prior to the apportionment of these costs.~~

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(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6531 Account 6531 Power Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Power study~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6532 Account 6532 Network Administration Expense (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office and cable and wire investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6533 Account 6533 Testing Expense (Repealed)

- a) ~~Subscriber line testing cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Testing activity study or direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Trouble report analysis~~
 - 3) ~~Cost Definition: Directly attributable~~
- b) ~~Service order testing cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Testing activity study or direct reporting~~

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- ~~2) — Regulated/Nonregulated Apportionment Basis: Service order activity analysis~~
- ~~3) — Cost Definition: Directly attributable~~
- ~~e) — All other testing cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Testing activity study or direct reporting~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - ~~3) — Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6534 Account 6534 Plant Operations Administrative Expense (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Plant support wages and salaries~~
- ~~d) — Cost Definition: Indirectly attributable~~
- ~~e) — Comments: The balance remaining in Account 6534 after clearance represents indirect supervision and support related to maintenance activities.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6535 Account 6535 Engineering Expense (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Engineering time reporting or engineering wages and salaries~~
- ~~d) — Cost Definition: Indirectly attributable~~

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- e) ~~Comments: The balance remaining in Account 6535 after clearance represents indirect supervision and support related to engineering activities.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6540 Account 6540 Access Expense (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6561 Account 6561 Depreciation Expense - Telecommunications Plant in Service (Repealed)

- a) ~~Cost pools equal Subaccounts by major asset category~~
- b) ~~Cost Pool Apportionment Basis: Property record analysis~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Major asset investment category~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6562 Account 6562 Depreciation Expense - Property Held for Future

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Telecommunications Use (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Property held for future telecommunications use investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6563 Account 6563 Amortization Expense – Tangible (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Capital leases and leasehold improvement investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6564 Account 6564 Amortization Expense – Intangible (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Intangible investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6565 Account 6565 Amortization Expense – Other (Repealed)

- a) ~~Cost Pool: Same as Account~~

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- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- e) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant adjustment investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6611 Account 6611 Product Management Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Includes Public and other function codes defined as regulated.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes the portion of product management functions identified as nonregulated through preassigned function codes, exception time reporting, and direct reporting of other expenses.~~
- e) ~~Shared services and general support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Marketing allocator~~
 - 3) ~~Cost Definition: Unattributable~~

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- 4) ~~Comments: The shared services cost pool includes those services which involve product management functions that are so integrated that the regulated and nonregulated components cannot be separated utilizing direct and indirect attribution methods. This cost pool also includes all product management support costs such as education, training, and general administration.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6612 Account 6612 Sales Expense (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Account transaction analysis or time reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Supervisory, clerical, and nonproductive time loadings will be allocated in proportion to the expenses directly reported to each cost pool~~
- b) ~~Nonregulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Account transaction analysis or time reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- c) ~~Shared cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Marketing allocator~~
 - 3) ~~Cost Definition: Unattributable~~

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(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6613 Account 6613 Product Advertising Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes public and long distance expenses plus any other identified as regulated through function codes.~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes the expenses of informational, business, residence, and other product advertising which is identified as nonregulated through unique functional codes, exception time reporting, and direct reporting.~~

- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Marketing allocator~~
 - 3) ~~Cost Definition: Unattributable~~
 - 4) ~~Comments: This cost pool includes all advertising support costs such as education, training, and general administration. The cost pool also represents advertising expenditures for services which are so integrated that the regulated and nonregulated components cannot be separated~~

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~~utilizing direct or indirect attribution methods.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6621 Account 6621 Call Completion Services Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6622 Account 6622 Number Services Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to~~

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~~Nonregulated~~

- ~~3) Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6623 Account 6623 Customer Services Expense (Repealed)

- ~~a) Regulated cost pool~~

- ~~1) Cost Pool Apportionment Basis: Direct reporting~~

- ~~2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~

- ~~3) Cost Definition: Directly assignable~~

- ~~4) Comments~~

- ~~A) his cost pool includes the following functions:~~

- ~~i) Annoyance Call Bureau~~

- ~~ii) Intracompany Customer Name and Address Service~~

- ~~iii) Street Address Guide Bureau Service~~

- ~~iv) Public Commissions~~

- ~~v) Radio Common Carrier Customer Negotiations~~

- ~~vi) Broadcasting Customer Negotiations~~

- ~~B) May also include interexchange carrier service center if there are no nonregulated products offered through the center.~~

- ~~b) customer service marketing cost pool~~

- ~~1) Cost Pool Apportionment Basis: Direct reporting~~

- ~~2) Regulated/Nonregulated Apportionment Basis: Marketing allocator~~

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- 3) ~~Cost Definition: Unattributable~~
- 4) ~~Comments: This cost pool includes the costs for establishing new residence and business accounts and the portion of customer instruction activities involving the marketing of products and services.~~
- e) ~~Service order processing cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Service center activity study~~
 - 3) ~~Cost Definition: Directly attributable~~
 - 4) ~~Comments: This pool includes the costs of the residence, business, and interexchange carrier service center billing inquiry, credit and collections, and customer payment operations which are identified through functional accounting. This cost pool also includes the expenses of business, residence, and interexchange carrier service center order origination. It also includes the typing and completion functions for service orders, customer service advice/instruction, and residence demand sales operations.~~
- d) ~~Customer billing and collection cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Billing and collection study~~
 - 3) ~~Cost Definition: Directly attributable~~
 - 4) ~~Comments: This cost pool includes only those customer billing and collection expenses which are related to message processing. These include sorting, editing, and rating. This pool also includes the customer billing and collection expenses related to bill rendering. These include processing the information, preparing the bills by account, and distributing them to customers.~~
- e) ~~Shared cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
- 3) ~~Cost Definition: Unattributable~~
- 4) ~~Comments: This cost pool includes all customer services support costs including general administration, education, and training.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6711 Account 6711 Executive Expense (Repealed)

- a) ~~Pool Apportionment Basis: Direct reporting~~
- b) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
- c) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6712 Account 6712 Planning Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting or account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6721 Account 6721 Accounting and Finance Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes the costs for functions such as:
 - A) ~~Depreciation and Valuation~~
 - B) ~~Independent Company Settlements~~
 - C) ~~Revenue Requirements~~~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes any nonregulated internal audit, business research, and general accounting costs.~~
- e) ~~Shared cost pool~~

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- 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
- 3) ~~Cost Definition: Unattributable~~
- 4) ~~Comments A)~~
 - A) ~~This cost pool includes those costs identifiable by unique subaccounts or functional codes for the following activities:~~
 - i) ~~Treasury~~
 - ii) ~~Trustee Fees~~
 - iii) ~~Taxes~~
 - iv) ~~Economic Analysis~~
 - v) ~~Budgeting~~
 - vi) ~~Functional Accounting~~
 - vii) ~~Payables~~
 - viii) ~~Reporting~~
 - B) ~~In addition, this cost pool includes 47 CFR 64 (as of October 27, 1987; this incorporation does not include any later editions or amendments) attestation audit costs, any residual of internal audit, business research, or costs in general accounting which are not identifiable through reporting to either regulated or nonregulated functional codes.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6722 Account 6722 External Relations Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~

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- 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- 3) ~~Cost Definition: Directly assignable~~
- 4) ~~Comments: This cost pool includes the regulated costs for functions such as:
 - A) ~~Regulatory~~
 - B) ~~Service costs~~
 - C) ~~Connecting company relations~~
 - D) ~~Contract administration~~~~
- b) ~~Nonregulated cost pool
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~~~
- e) ~~Corporate advertising cost pool
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Marketing allocator~~
 - 3) ~~Cost Definition: Unattributable~~~~
- d) ~~Other cost pool
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~
 - 4) ~~Comments: This pool includes the costs for functions such as:~~~~

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- ~~A) — Government relations~~
- ~~B) — Investor relations~~
- ~~C) — Public relations~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6723 Account 6723 Human Resources Expense (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
- ~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6724 Account 6724 Information Management Expense (Repealed)

- ~~a) — Regulated cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Direct reporting or analysis of project codes~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - ~~3) — Cost Definition: Directly assignable~~
- ~~b) — Nonregulated cost pool~~
 - ~~1) — Cost Pool Apportionment Basis: Direct reporting or analysis of project codes~~
 - ~~2) — Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - ~~3) — Cost Definition: Directly assignable~~

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- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting or analysis of project codes~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6725 Account 6725 Legal Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6726 Account 6726 Procurement Expense (Repealed)

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- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of purchasing records~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of purchasing records~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: This cost pool includes costs associated with purchases of materials and supplies uniquely identified as nonregulated.~~
- c) ~~Shared cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of purchasing records~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6727 Account 6727 Research and Development Expense (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of research and development projects~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Analysis of research and development projects~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- e) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Analysis of research and development projects~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6728 Account 6728 Other General and Administrative Expense (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis or direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis or direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- e) ~~Official communications cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries less field forces wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
 - 4) ~~Comments: This cost pool is apportioned on the basis of salaries and wages of forces that utilize the local official communication system.~~
- d) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.6790 Account 6790 Provision for Uncollectible Notes Receivable (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: An analysis of each transaction in this account is performed to determine the uncollectible and the purpose to which each amount relates.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7110 Account 7110 Income from Custom Work (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~

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- 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Direct reporting~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7130 Account 7130 Return from Nonregulated Use of Regulated Facilities
(Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~st Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- d) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7140 Account 7140 Gains and Losses from Foreign Exchange (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- d) ~~Cost Definition: Directly assignable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7150 Account 7150 Gains and Losses from the Distribution of Land and Artwork

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(Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: An analysis of this account is performed to determine from which type of asset the gains or losses were realized. Each transaction will then be apportioned using the same methodology used for the respective asset.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7160 Account 7160 Other Operating Gains and Losses (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: An analysis of this account is performed to determine from which type of asset the gains or losses were realized. Each transaction will then be apportioned using the same methodology used for the respective asset.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7210 Account 7210 Operating Investment Tax Credits - Net (Repealed)

- a) ~~Cost pool equals major asset category.~~
- b) ~~Cost Pool Apportionment Basis: Analysis of tax records~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative investment of major asset category~~
- d) ~~Cost Definition: Indirectly attributable~~

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- e) ~~Comments: Investment categories are broken down to identify investments which generated the credits.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7220 Account 7220 Operating Federal Income Taxes (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative Regulated/Nonregulated pre-tax book income~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7230 Account 7230 Operating State and Local Income Taxes (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative Regulated/Nonregulated pre-tax book income~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7240 Account 7240 Operating Other Taxes (Repealed)

- a) ~~Property related cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccounts~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment less intangible assets~~
- 3) ~~Cost Definition: Indirectly attributable~~

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- b) ~~Gross receipts cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccounts~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative Regulated/Nonregulated revenues taxable as gross receipts~~
 - 3) ~~Cost Definition: Indirectly attributable~~

- e) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
 - 3) ~~Cost Definition: See subsection (c)(4)~~
 - 4) ~~Comments: An analysis of this subaccount is performed to determine the origin of the tax recorded. Each transaction is then apportioned using the appropriate methodology (See Section 711.110(a)).~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7250 Account 7250 Provision for Deferred Operating Income Taxes – Net (Repealed)

- a) ~~Property related cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccounts~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment less intangible assets~~
 - 3) ~~Cost Definition: Indirectly attributable~~

- b) ~~Vacation accrual cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccounts~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~

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- 3) ~~Cost Definition: Indirectly attributable~~
- 4) ~~Comments: The cost pool includes Subaccounts for federal, state, and local deferred vacation taxes.~~
- e) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Cost pool equals Subaccounts~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
 - 3) ~~Cost Definition: See subsection (c)(4)~~
 - 4) ~~Comments: An analysis of these Subaccounts is performed to determine the origin of the timing difference which gave rise to the tax deferral. Each transaction is then apportioned using the appropriate methodology.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7350 Account 7350 Gains or Losses from the Disposition of Certain Property
(Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- e) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e).~~
- e) ~~Comments: An analysis of this Account is performed to determine from which major type of property gains or losses were realized. Each transaction is then apportioned using the same methodology used for that type of property.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7370 Account 7370 Special Charges (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~

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~~e) — Regulated/Nonregulated Apportionment Basis: General allocator~~

~~d) — Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7400 Account 7400 Nonoperating Taxes (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~

~~d) — Cost Definition: See subsection (e)~~

~~e) — Comments: An analysis of this Account is performed to determine if nonoperating taxes have been generated by transactions from Accounts 7350 and 7370. If appropriate, apportionment is made on the same basis as the causative transactions.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7510 Account 7510 Interest on Funded Debt (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7520 Account 7520 Interest Expense - Capital Leases (Repealed)

~~a) — Capital lease interest cost pool~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

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~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Capital lease~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7530 Account 7530 Amortization of Debt Issuance Expense (Repealed)

~~a) — Interest cost pool~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388 effective August 1, 2003)

Section 711.7540 Account 7540 Other Interest Deductions (Repealed)

~~a) — Interest cost pool~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment~~

~~d) — Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7610 Account 7610 Extraordinary Income Credits (Repealed)

~~a) — Cost Pool: Same as Account~~

~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

~~e) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~

~~d) — Cost Definition: See subsection (e)~~

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- ~~e) — Comments: Regulated/Nonregulated apportionment is based upon analysis of individual extraordinary items.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7620 Account 7620 Extraordinary Income Charges (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) — Cost Definition: See subsection (e)~~
- ~~e) — Comments: Regulated/Nonregulated apportionment is based upon analysis of individual extraordinary items.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7630 Account 7630 Current Income Tax Effects of Extraordinary Items – Net (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~
- ~~c) — Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- ~~d) — Cost Definition: See subsection (e)~~
- ~~e) — Comments: Regulated/Nonregulated apportionment is based upon analysis of individual extraordinary items.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.7640 Account 7640 Provision for Deferred Income Tax Effect of Extraordinary Items – Net (Repealed)

- ~~a) — Cost Pool: Same as Account~~
- ~~b) — Cost Pool Apportionment Basis: Cost pool equals Account~~

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- e) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e)~~
- e) ~~Comments: Regulated/Nonregulated apportionment is based upon analysis of individual extraordinary items.~~

(Source: Repealed at 27 Ill. Reg. 12388, effective August 1, 2003)

SUBPART F: OTHER MATTERSSection 711.8000 Audit Requirement

- a) Carriers shall conduct biennial internal audits, or have internal audits conducted by independent public accountants, of the accounting for the business other than public utility business. These audits shall test compliance with this Part, with any applicable Commission orders, and with 83 Ill. Adm. Code 710. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Manager of Accounting within 30 days after completion.
- b) The initial audit shall be performed in the calendar year following the calendar year in which the carrier is first required to file a cost allocation manual. The initial audit shall be submitted to the Accounting Manager of the Commission on or before December 1 of that year. Succeeding audit reports shall be submitted to the Manager of Accounting of the Commission on or before December 1 of each succeeding even numbered year.

(Source: Added at 27 Ill. Reg. 12388, effective August 1, 2003)

Section 711.8005 Waivers

- a) If the FCC requires a carrier to submit a cost allocation manual in compliance with 47 CFR 64.903, then the carrier shall file such manual with the Chief Clerk of the Commission with a copy to the Manager of Accounting. Such filing will result in compliance with Part 711, Subparts A through D.
- b) If the FCC requires a carrier to have an attest engagement or financial audit conducted in compliance with 47 CFR 64.904, then the carrier shall file the report from such engagement or audit with the Manager of Accounting within 30 days after completion. The associated workpapers shall be available to the Commission

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Staff for review. This audit report submission shall result in compliance with of Section 711.8000.

(Source: Added at 27 Ill. Reg. 12388, effective August 1, 2003)

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- 1) The Heading of the Part: Cost Allocation for Small Local Exchange Carriers
- 2) Code Citation: 83 Ill. Adm. Code 712
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
712.5	Amendment
712.10	Amendment
712.15	Amendment
712.20	Amendment
712.25	Amendment
712.115	Amendment
712.205	Amendment
712.215	Amendment
712.235	Amendment
712.245	Amendment
712.250	Amendment
712.255	Amendment
712.260	Amendment
712.270	Amendment
712.285	Amendment
712.305	Amendment
712.315	Amendment
712.345	Amendment
712.350	Amendment
712.355	Amendment
712.375	Amendment
712.1220	Amendment
712.1438	New Section
712.1439	Repealed
712.2003	Amendment
712.2004	Repealed
712.2111	Repealed
712.2112	Repealed
712.2113	Repealed
712.2114	Repealed
712.2115	Repealed
712.2116	Repealed
712.2121	Repealed
712.2122	Repealed

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712.2123	Repealed
712.2124	Repealed
712.2311	Repealed
712.2321	Repealed
712.3100	Amendment
712.3300	New Section
712.3400	Repealed
712.3410	New Section
712.3500	Repealed
712.3600	Repealed
712.6120	Amendment
712.6710	Repealed
712.7200	New Section
712.7210	Repealed
712.7220	Repealed
712.7230	Repealed
712.7240	Repealed
712.7250	Repealed
712.7300	New Section
712.7350	Repealed
712.7370	Repealed

- 4) Statutory Authority: Implementing Sections 5-102, 5-103, and 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendments, 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:

02/14/03, at 27 Ill. Reg. 2485

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- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
Table of Contents: Section 712.2110, delete "(Repealed)".
Section 712.235: Delete "7210".
Section 712.5(b): Reposition "accounting, time reporting, and other recordkeeping" after "diverse".
Section 712.15(b): Replace "five" with "four".
- 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 amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?
This rulemaking coordinates the cost allocation manual requirements with the new account structure in 83 Ill. Adm. Code 710, updates the number of access lines to reflect the Public Utilities Act, changes the location of certain information to be held on file, updates Section 712.15 to reflect the current requirements of the Federal Communications Commission, and makes minor language changes to reflect the current Staff designations at the Illinois Commerce Commission.
- 16) Information and questions regarding these adopted amendments 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 Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 712
COST ALLOCATION FOR SMALL LOCAL EXCHANGE CARRIERS

SUBPART A: APPLICATION

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712.5 Application

SUBPART B: PRELIMINARY MATERIALS

Section
712.10 Description of Nonregulated Activities
712.15 Incidental Activities

SUBPART C: CORPORATE ORGANIZATION AND AFFILIATE TRANSACTIONS

Section
712.20 Corporate Organization
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712.105 Cost Apportionment
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712.115 Cost Pools
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712.210 Analysis of Leased Assets
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712.270	Relative Value - Cost Pool Apportionment
712.280	Regulated/Nonregulated Apportionment Bases
712.285	Account Transaction Analysis - Regulated/Nonregulated
712.290	Billing and Collection Study
712.305	Customer and Corporate Operations Wages and Salaries
712.315	General Allocator
712.320	Marketing Allocator
712.335	Projected Regulated/Nonregulated Shared Usage
712.345	Relative Investment Value - Regulated/Nonregulated
712.350	Relative Regulated/Nonregulated Pre-Tax Book Income
712.355	Relative Regulated/Nonregulated Revenues
712.360	Time Reporting
712.365	Service Order Activity Analysis
712.370	Analysis of Advertising Expense
712.375	Total Company Wages and Salaries

SUBPART E: COST APPORTIONMENT - ACCOUNTS

Section

712.1220	Account 1220 <u>Inventories</u> Materials and Supplies
712.1438	Account 1438 <u>Deferred Maintenance and Retirements</u>
712.1439	Account 1439 <u>Deferred Charges (Repealed)</u>
712.2002	Account 2002 Property Held for Future Telecommunications Use
712.2003	Account 2003 Telecommunications Plant Under Construction Short Term
712.2004	Account 2004 Telecommunications Plant Under Constructio n- Long Term <u>(Repealed)</u>
712.2005	Account 2005 Telecommunications Plant Adjustment
712.2006	Account 2006 Nonoperating Plant
712.2007	Account 2007 Goodwill
712.2110	Account 2110 Land and Support Assets
712.2111	Account 2111 Land <u>(Repealed)</u>
712.2112	Account 2112 Motor Vehicles <u>(Repealed)</u>
712.2113	Account 2113 Aircraft <u>(Repealed)</u>
712.2114	Account 2114 Special Purpose Vehicles <u>(Repealed)</u>
712.2115	Account 2115 Garage Work Equipment <u>(Repealed)</u>
712.2116	Account 2116 Other Work Equipment <u>(Repealed)</u>
712.2121	Account 2121 Buildings <u>(Repealed)</u>
712.2122	Account 2122 Furniture <u>(Repealed)</u>
712.2123	Account 2123 Office Equipment <u>(Repealed)</u>
712.2124	Account 2124 General Purpose Computers <u>(Repealed)</u>

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712.2210	Account 2210 Central Office - Switching
712.2220	Account 2220 Operator Systems
712.2230	Account 2230 Central Office Transmission
712.2310	Account 2310 Information Origination/Termination
712.2311	Account 2311 Station Apparatus <u>(Repealed)</u>
712.2321	Account 2321 Customer Premises Wiring <u>(Repealed)</u>
712.2341	Account 2341 Large Private Branch Exchange <u>(Repealed)</u>
712.2410	Account 2410 Cable and Wire Facilities
712.2680	Account 2680 Amortizable Tangible Assets
712.2690	Account 2690 Intangibles
712.3100	Account 3100 Accumulated Depreciation
712.3200	Account 3200 Accumulated Depreciation - Held for Future Telecommunications Use
<u>712.3300</u>	<u>Account 3300 Accumulated Depreciation-Nonoperating</u>
712.3400	Account 3400 Accumulated Amortization – Tangible <u>(Repealed)</u>
<u>712.3410</u>	<u>Account 3410 Accumulated Amortization-Capitalized Leases</u>
712.3500	Account 3500 Accumulated Amortization – Intangibles <u>(Repealed)</u>
712.3600	Account 3600 Accumulated Amortization – Other <u>(Repealed)</u>
712.4100	Account 4100 Net Current Deferred Operating Income Tax
712.4340	Account 4340 Net Noncurrent Deferred Operating Income Tax
712.5300	Account 5300 Uncollectible Revenue
712.6110	Account 6110 Network Support Expenses
712.6120	Account 6120 Land <u>General</u> Support Expenses
712.6210	Account 6210 Central Office Switching Expense
712.6220	Account 6220 Operators System Expense
712.6230	Account 6230 Central Office Transmission Expenses
712.6310	Account 6310 Information Origination/Termination Expenses
712.6410	Account 6410 Cable and Wire Facilities Expenses
712.6510	Account 6510 Other Property, Plant and Equipment Expenses
712.6530	Account 6530 Network Operations Expenses
712.6540	Account 6540 Access Expense
712.6560	Account 6560 Depreciation and Amortization Expenses
712.6610	Account 6610 Marketing
712.6620	Account 6620 Services
712.6710	Account 6710 Executive and Planning <u>(Repealed)</u>
712.6720	Account 6720 General and Administrative
712.6790	Account 6790 Provision for Uncollectible Notes Receivable
712.7100	Account 7100 Other Operating Income and Expenses
<u>712.7200</u>	<u>Account 7200 Operating Taxes</u>
712.7210	Account 7210 Operating Investment Tax Credits – Net <u>(Repealed)</u>

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712.7220	Account 7220 Operating Federal Income Taxes (<u>Repealed</u>)
712.7230	Account 7230 Operating State and Local Income Taxes (<u>Repealed</u>)
712.7240	Account 7240 Operating Other Taxes (<u>Repealed</u>)
712.7250	Account 7250 Provision for Deferred Operating Income Taxes – Net (<u>Repealed</u>)
712.7300	<u>Account 7300 Nonoperating Income and Expenses</u>
712.7350	Account 7350 Gains or Losses from the Disposition of Certain Property (<u>Repealed</u>)
712.7370	Account 7370 Special Charges (<u>Repealed</u>)
712.7400	Account 7400 Nonoperating Taxes
712.7500	Account 7500 Interest and Related Items
712.7600	Account 7600 Extraordinary Items

AUTHORITY: Implementing Sections 5-102, 5-103, and 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1236, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9588, effective May 25, 1988; amended at 27 Ill. Reg. 12489, effective August 1, 2003.

SUBPART A: APPLICATION

Section 712.5 Application

- a) This Part specifies the procedures that which will be followed in order to apportion intrastate costs between regulated and nonregulated activities. This Part applies only to those activities categorized as nonregulated in Illinois; it does not apply to those tariffed activities that which have been classified as “competitive” by the Illinois Commerce Commission (“Commission”). (See Section 13-209 of the The Public Utilities Act (Act) [220 ILCS 5/13-209].) (~~Ill. Rev. Stat. 1985, ch. 411 2/3, par. 13-209~~)).
- b) The provisions of this Part are applicable to local exchange carriers (“carriers”) with operations in the State of Illinois having no more than 35,000 ~~15,000~~ subscriber access lines in service. These carriers have diverse accounting, time reporting, and other recordkeeping systems such that records and statistics are not obtainable by all such carriers. Therefore, it is understood that not all cost pools listed in this Part must be populated. If, however, a greater degree of cost causative cost assignment is achieved, greater disaggregation of cost pools than is specified in this Part is acceptable.
- c) If the Federal Communications Commission (“FCC”) requires a carrier to vary

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from the provisions of this Part, or if modification of this Part is required to conform to separations requirements or the mirroring of access charge determination, the carrier shall ~~notify the Chief Clerk of the Commission with a copy to the Chief Accountant of the Commission~~ keep a listing at the carrier's headquarters and available to Commission Staff, upon request, identifying the specific variance(s).

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

SUBPART B: PRELIMINARY MATERIALS

Section 712.10 Description of Nonregulated Activities

Each carrier is required to have on file ~~with the Chief Clerk of the Commission at the carrier's headquarters and available to Commission Staff, upon request,~~ a description of each nonregulated activity offered. Nonregulated activities include those that which:

- a) Have never been subject to tariff regulation, except incidental activities, by either the Commission or the FCC; or
- b) Have been preemptively detariffed in both jurisdictions by the FCC (e.g., customer premises equipment, enhanced services, and installation and maintenance of inside wiring).

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.15 Incidental Activities

- a) This Part requires that cost allocation procedures reflect the existence of activities in each carrier ~~that which~~ are accorded incidental accounting treatment and allowed to remain on the regulated books of the business. Each carrier is required to have on file at the carrier's headquarters and available to Commission Staff upon request ~~with the Commission~~ a description of each activity that which is accorded this treatment. "Incidental activities" include, but are not limited to, items such as land and building space rental, cable locating, and pole contact rental. (See 83 Ill. Adm. Code 710.14 and 710.23.)
- b) Incidental activities are those ~~that which~~ meet the following four ~~five~~ conditions.
 - 1) The activity is not a line of business;

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- ~~2) — The activity has been traditionally treated as incidental by the Commission for ratemaking purposes;~~
- 2) The activity is an outgrowth of regulated operations;
- 3) There is little additional financial or business risk to the regulated operation in providing the activity, as determined by the effect on the capital investments and requirements; and
- 4) The activity utilizes an insubstantial commitment of investment or resources of the carrier, as determined by the capital investments and the service obligations of the carrier.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

SUBPART C: CORPORATE ORGANIZATION AND AFFILIATE TRANSACTIONS

Section 712.20 Corporate Organization

All carriers offering exchange and exchange access telecommunications services in Illinois are required to have on file at the carrier's headquarters and available to Commission Staff upon request with the Commission a description of the carrier's corporate affiliates (See Section 7-101 of ~~the~~ The Public Utilities Act [220 ILCS 5/7-101]. (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 7-101)). ~~Filings with the Chief Clerk of the Commission~~ The file shall include a brief description of each affiliate entity, the conditions of ownership, and a chart of all affiliates entities.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.25 Affiliate Transactions

- a) The cost allocation procedures included in this Part specify the methodology to apportion costs between regulated and nonregulated activities. Each local exchange carrier shall have on file at the carrier's headquarters and available to Commission Staff, upon request, ~~with the Chief Clerk of the Commission~~ a description of the type of affiliate transactions ~~that~~ which are either provided to regulated operations by nonregulated entities or to nonregulated entities by regulated operations. (See Section 7-101 of ~~the~~ The Public Utilities Act.) (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 7-101)). ~~Details of transactions between two nonregulated activities are not required to be filed with the Chief Clerk of the Commission.~~

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- b) The filing shall include the following details for each affiliate transaction:
- 1) Type of transaction;
 - 2) Billing provisions for each service or product provided categorized in one of three methods:
 - A) Market Rate: Using a price given in current market conditions where this price is determined in an arms length transaction;
 - B) Cost: Using the cost apportionment principles and standards included in this Part; or
 - C) Tariff: Using an established rate or charge that ~~which~~ has been filed with the Commission;
 - 3) Frequency of transactions.
- c) Transactions between carriers and their affiliates are to be recorded on the carrier's books at market price, if market price can be determined from a price list or tariff. In the absence of a list or tariff price, assets transferred from the carrier to the nonregulated entity are to be recorded at the higher of the net book cost or fair market value, while assets transferred from the nonregulated entity to the company are to be recorded at the lower of net book cost or fair market value. Services for which there exists no list or tariff price are to be valued using fully distributed cost. (See 83 Ill. Adm. Code 710.27.)

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

SUBPART D: COST APPORTIONMENT METHODOLOGY

Section 712.115 Cost Pools

- a) Where the apportionment of costs to regulated and nonregulated activities cannot be determined through the nature of the Part 710 Account, cost pools are defined to permit this analysis. Cost pools represent a homogenous group of costs that ~~which~~ have a unique cost determinant.
- b) This Part specifies the minimum level of cost pool detail required to distinguish the costs of regulated and nonregulated services. Each local exchange carrier may utilize additional detailed cost pools as appropriate in order to improve the

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regulated and nonregulated apportionment process. Where detailed cost pools not specified in this Part are used by a carrier, it must file with the Manager of Accounting ~~Chief Accountant~~ of the Commission detailed information in the format outlined in Subpart E that ~~which~~ identifies the basis of the cost pool apportionment and the subsequent regulated/ nonregulated apportionment basis. Any reasons and justification for the deviation shall be stated in the comments or attached.

- c) Where accounting systems and procedures of a local exchange carrier do not allow disaggregation of costs to particular pools specified by this Part, such cost pools need not be populated.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.205 Cost Pool Account Transaction Analysis

- a) Several of the Part 710 Accounts include costs whose characteristics can only be defined through the direct analysis of the transactions and are classified into either a regulated, nonregulated, or shared cost pool.
- b) Account transaction analysis is used to apportion the following accounts into cost pools:

Account 1438 ~~1439~~ Deferred Maintenance and Retirements ~~Charges~~
 Account ~~2690~~ Intangibles
 Account 6510 Other Property, Plant and Equipment Expenses
 Account 6530 Network Operations Expense
 Account 6610 Marketing
 Account 6620 Services
~~Account 6710 Executive and Planning~~
 Account 6720 General and Administrative
 Account 7100 Other Operating Income and Expenses
 Account ~~7200~~ ~~7240~~ Operating ~~Other~~ Taxes
~~Account 7250 Provision for Deferred Operating Taxes—Net~~
 Account 7500 Interest and Related Items
 Account 7600 Extraordinary Items

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.215 Analysis of Motor Vehicle Records

An annual analysis of motor vehicle records is to be made in order to apportion the investment in Account 2110 ~~2412~~ into two cost pools:

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- a) Plant
- b) Customer and Corporate Operations

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.235 Analysis of Tax Records

The tax records of the local exchange carrier are analyzed to apportion Account ~~7200~~ 7240 Operating ~~Taxes Investment Tax Credit Net~~ into the defined cost pools. The cost pools are defined by major asset category in a manner that ~~which~~ reflects how investment credits are generated.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.245 Computer Application Activity Analysis

- a) An analysis of the company's computer application records is to be completed, not less frequently than annually, in order to apportion Account 2110 Land and Support Assets ~~2124 General Purpose Computers~~ into three cost pools:
 - 1) Regulated;
 - 2) Nonregulated; and
 - 3) Shared Functional Operations.
- b) In this analysis the costs of applications undertaken exclusively for either regulated or nonregulated services are assigned directly to the appropriate cost pool. Costs of applications that ~~which~~ are functional in nature and are shared by regulated and nonregulated services are assigned to the Shared cost pool.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.250 Building/Floor Space Use Study

Local exchange carrier property records and building usage analyses contain information on the functions that ~~which~~ use the productive space (space used for the provision of telecommunications services or the generation of revenue) in the company's building investment on either a detailed or summary location basis. This usage data is used to apportion Account 2110 ~~2124~~ into three cost pools:

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- a) Central Office;
- b) Plant Support; and
- c) Customer and Corporate Operations.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.255 Direct Reporting

- a) The operational and accounting systems of the local exchange carrier support the direct identification of costs to cost pools through the use of functionally based reporting codes. These codes are assigned to specific work activities and subsequently related to specific cost pools. Employees may also report to these codes through time reporting procedures.
- b) The direct reporting of functionally based codes is used to identify selected cost pools in the following accounts:

Account 1220 Inventories ~~Materials and Supplies~~
Account 2210 Central Office Switching
Account 2220 Operator Systems
Account 2230 Central Office Transmission
Account 2310 Information Origination/Termination
Account 2410 Cable and Wire Facilities
Account 5300 Uncollectible Revenue
Account 6310 Information Origination/Termination Expense
Account 6540 Access Expense

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.260 Flight Logs

- a) Flight logs maintained of all aircraft usage by the local exchange carrier are used to classify the investment in Account 2110 ~~2113~~ into three cost pools: Regulated, Nonregulated, and Shared.
- b) Flight logs are completed by the originator of the flight and the pilot. They provide details of the purpose of the flight, the organization using the aircraft, and the determination of whether the purpose of the flight was exclusively for regulated or nonregulated purposes. Where the aircraft usage cannot be clearly identified as either regulated or nonregulated, the residual investment and

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associated expenses are assigned to the Shared Cost Pool.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.270 Relative Value - Cost Pool Apportionment

- a) The reference to relative value as the basis for the cost pool apportionment indicates that a proportional relationship of an investment category to a larger pool of investment is used to determine the cost pool balance.
- b) The relative value of the related buildings investments is used to apportion Account 2110 ~~2444~~ Land and Support Assets into three cost pools.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.285 Account Transaction Analysis - Regulated/Nonregulated

- a) Several of the cost pools consist of costs whose regulated and nonregulated characteristics can only be defined through the direct analysis of transactions during the period. Direct analysis of an account requires an examination and review of the transactions made into the account to determine the proper categorization of the expenditures as to the regulated, nonregulated, or shared cost pools.
- b) Account transaction analysis is used to apportion selected cost pools to regulated and nonregulated activities in the following accounts.

Account 1438 ~~1439~~ Deferred Maintenance and Retirements Charges
 Account 2002 Property Held for Future Telecommunications Use
 Account 2003 Telecommunications Plant Under Construction —Short Term
 Account ~~2004~~ Telecommunications Plant Under Construction —Long Term
 Account 2005 Telecommunications Plant Adjustment
 Account 2006 Nonoperating Plant
 Account 2007 Goodwill
 Account 4100 Net Current Deferred Operating Income Taxes
 Account 4340 Net Noncurrent Deferred Operating Income Taxes
 Account 5300 Uncollectible Revenue
 Account 6790 Provision for Uncollectible Notes Provision
 Account 7100 Other Operating Income and Expense
 Account 7200 ~~7240~~ Operating Other Taxes
 Account ~~7250~~ Provision for Deferred Operating Income Taxes —Net
 Account ~~7350~~ Gains or Losses from the Disposition of Certain Property
 Account 7300 Nonoperating Income and Expense

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Account 7400 Nonoperating Taxes
Account 7600 Extraordinary Items

- c) Uncollectible revenues. Account 5300 Uncollectible Revenues, associated with furnishing regulated services, will be directly assigned to regulated activities. Uncollectible revenues associated with nonregulated activities will be directly assigned to nonregulated activities and specifically identified in a nonregulated subsidiary record category.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.305 Customer and Corporate Operations Wages and Salaries

- a) Customer and corporate operations wages and salaries are used as the indirect basis for apportioning selected cost pools between regulated and nonregulated activities where these wages and salaries are the primary determinant of cost behavior.
- b) Customer and corporate operations wages and salaries are used to apportion selected cost pools in the following account ~~accounts~~:

Account ~~2110~~ ~~2111~~ Land and Support Assets
~~Account 2112 Motor Vehicles~~
~~Account 2121 Buildings~~

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.315 General Allocator

- a) This Part prescribes the use of a general allocator to apportion those costs pools for which no direct or indirect measures of cost causation are available.
- b) Selected cost pools in the following accounts are apportioned using the general allocator:

Account ~~1438~~ ~~1439~~ Deferred Maintenance and Retirements Charges
Account 2110 Land and Support Assets
~~Account 2113 Aircraft~~
~~Account 2124 General Purpose Computers~~
Account 2690 Intangibles
Account 6510 Other Property, Plant and Equipment Expenses
~~Account 6710 Executive and Planning Expenses~~
Account 6720 General and Administration

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Account 7300 Nonoperating Income and Expense
~~Account 7370 Special Charges~~

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.345 Relative Investment Value - Regulated/Nonregulated

- a) The reference to relative investment value as the basis for the regulated and nonregulated apportionment indicates that the proportional relationship of the regulated and nonregulated investment in a specific investment category (e.g., Central Office) is used to determine the regulated and nonregulated balances in the cost pool apportioned.
- b) Relative investment value is used to apportion selected cost pools to regulated and nonregulated activities. The specific measures used for each account apportionment are outlined in Subpart E:

~~Account 1220 Inventories Materials and Supplies~~
~~Account 2110 2111 Land and Support Assets~~
~~Account 2112 Motor Vehicles~~
~~Account 2114 Special Purpose Vehicles~~
~~Account 2115 Garage Work Equipment~~
~~Account 2116 Other Work Equipment~~
~~Account 2121 Buildings~~
Account 3100 Accumulated Depreciation
Account 3200 Accumulated Depreciation-Held for Future
Telecommunications Use
~~Account 3300 Accumulated Depreciation-Nonoperating~~
~~Account 3410 Accumulated Amortization-Capitalized Leases~~
~~Account 3400 Accumulated Amortization-Tangible~~
~~Account 3500 Accumulated Amortization-Intangibles~~
~~Account 3600 Accumulated Amortization-Other~~
Account 6110 Network Support Expenses
Account 6120 General Support Expenses
Account 6210 Central Office Switching Expense
Account 6220 Operations System Expense
Account 6230 Central Office Transmission Expenses
Account 6310 Information Origination/Termination Expenses
Account 6410 Cable and Wire Facilities Expenses
Account 6510 Other Property, Plant and Equipment Expenses
Account 6530 Network Operations Expense
Account 6560 Depreciation and Amortization Expenses
Account 7200 Operating Taxes
~~Account 7210 Operating Investment Tax Credits-Net~~

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~~Account 7240 Operating Other Taxes~~
~~Account 7250 Provision for Deferred Operating Income Taxes Net~~
~~Account 7500 Interest and Related Items~~

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.350 Relative Regulated/Nonregulated Pre-Tax Book Income

Certain of the tax accounts of each company reflect taxes ~~that which~~ are calculated on the basis of pre-tax book income. This measure, therefore, is used to apportion the cost pools to regulated and nonregulated activities. The account ~~accounts~~ in which selected costs pools use this basis is ~~are~~:

Account 7200 Operating Taxes
~~Account 7220 Operating Federal Income Taxes~~
~~Account 7230 Operating State and Local Income Taxes~~

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.355 Relative Regulated/Nonregulated Revenues

One cost pool specified in this Part reflects the gross receipt taxes paid by each company. The appropriate apportionment measure for the Gross Receipts cost pool in Account ~~7200~~ ~~7240~~ Operating Other Taxes is relative to the nature of the revenue on which the tax or fee is applied.

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.375 Total Company Wages and Salaries

- a) Total regulated and nonregulated wages and salaries for each local exchange carrier are used as the indirect basis for apportioning selected cost pools where total wages and salaries are the primary determinant of cost behavior.
- b) Total wages and salaries are used to apportion selected cost pools in the following accounts:

Account 1438 ~~1439~~ Deferred Maintenance and Retirements Charges
Account 2110 Land and Support Assets
Account 7200 Operating Taxes
~~Account 2122 Furniture~~
~~Account 2123 Office Equipment~~
~~Account 7250 Provision for Deferred Operating Income Taxes Net~~

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(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

SUBPART E: COST APPORTIONMENT - ACCOUNTS

Section 712.1220 Account 1220 Inventories Materials and Supplies

- a) Regulated cost pool
 - 1) Cost Pool Apportionment Basis: Direct reporting
 - 2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated
 - 3) Cost Definition: Directly assignable
- b) Nonregulated cost pool
 - 1) Cost Pool Apportionment Basis: Direct reporting
 - 2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated
 - 3) Cost Definition: Directly assignable
- c) Other cost pool
 - 1) Cost Pool Apportionment Basis: Residual of account
 - 2) Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment
 - 3) Cost Definition: Indirectly attributable

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.1438 Account 1438 Deferred Maintenance and Retirements

- a) Contemplated construction and projects cost pool
 - 1) Cost Pool Apportionment Basis: Account transaction analysis
 - 2) Regulated/Nonregulated Apportionment Basis: Directly assignable based

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on transaction analysis

- 3) Cost Definition: Directly assignable
- b) Compensated absences cost pool
 - 1) Cost Pool Apportionment Basis: Account transaction analysis
 - 2) Regulated/Nonregulated Apportionment Basis: Total company wages and salaries
 - 3) Cost Definition: Indirectly attributable
- c) Equal access cost pool
 - 1) Cost Pool Apportionment Basis: Account transaction analysis
 - 2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated
 - 3) Cost Definition: Directly assignable
- d) Other cost pool
 - 1) Cost Pool Apportionment Basis: Account transaction analysis
 - 2) Regulated/Nonregulated Apportionment Basis: General Allocator
 - 3) Cost Definition: Unattributable

(Source: Added at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.1439 Account 1439 Deferred Charges (Repealed)

- a) ~~Contemplated construction and projects cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assignable based on transaction analysis~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Compensated absences cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- c) ~~Equal access cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- d) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General Allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2003 Account 2003 Telecommunications Plant Under Construction —~~Short~~

~~Term~~

- a) Cost Pool: Same as Account
- b) Cost Pool Apportionment Basis: Cost pool equals Account
- c) Regulated/Nonregulated Apportionment Basis: Account transaction analysis
- d) Cost Definition: Directly assignable
- e) Comments: An analysis of construction activity will be performed and apportionment will be in accordance with planned use of assets.

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(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2004 Account 2004 Telecommunications Plant Under Construction - Long
Term (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: Directly assignable~~
- e) ~~Comments: An analysis of construction activity will be performed and apportionment will be in accordance with planned use of assets.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2111 Account 2111 Land (Repealed)

- a) ~~Central Office cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Relative value: Central Office Buildings to total buildings investment.~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Plant Support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Relative value: Plant Support Buildings to total buildings investment~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Plant Support Investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
 - 4) ~~Comments: Plant Support Investment consists of Account 2310~~

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~~Information Origination/Termination and Account 2410 Cable and Wire Facilities~~

- c) ~~Customer and Corporate Operations cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Customer and Corporate Operations Buildings to total building investment~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Customer and Corporate Operations wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2112 Account 2112 Motor Vehicles (Repealed)

- a) ~~Plant Support cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of motor vehicle records~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Plant Support Investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Customer and Corporate Operations cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Analysis of motor vehicle records~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Customer and Corporate Operation wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2113 Account 2113 Aircraft (Repealed)

- a) ~~Regulated cost pool~~
- 1) ~~Cost Pool Apportionment Basis: Flight logs~~

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- 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
- 3) ~~Cost Definition: Directly assignable~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Flight logs~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- c) ~~General cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General Allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2114 Account 2114 Special Purpose Vehicles (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Cable and Wire Facilities~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2115 Account 2115 Garage Work Equipment (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~

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- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Motor Vehicle and Special Purpose Vehicles Investment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2116 Account 2116 Other Work Equipment (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost Pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Cable and Wire Facilities~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2121 Account 2121 Buildings (Repealed)

- a) ~~Central Office cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Central office investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Plant Support cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Plant support investment~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- c) ~~Customer and Corporate Operations cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Building/Floor Space study~~

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- 2) ~~Regulated/Nonregulated Apportionment Basis: Customer and corporate operations wages and salaries~~
- 3) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2122 Account 2122 Furniture (Repealed)

- a) ~~Cost pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2123 Account 2123 Office Equipment (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2124 Account 2124 General Purpose Computers (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Application activity analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Application activity analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
- c) ~~Shared cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2311 Account 2311 Station Apparatus (Repealed)

- a) ~~Nonregulated cost pool~~
- b) ~~Cost Pool Apportionment Basis: Direct reporting~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
- d) ~~Cost Definition: Directly assignable~~
- e) ~~Comments: For companies having significant investment in nonregulated customer premises facilities, the Class A accounts below are recommended.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.2321 Account 2321 Customer Premises Wiring (Repealed)

- a) ~~Nonregulated cost pool~~
- b) ~~Cost Pool Apportionment Basis: Direct reporting~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~

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- d) ~~Cost Definition: Directly assignable~~
- e) ~~Comments: For companies having significant investment in nonregulated customer premises facilities, the Class A accounts below are recommended.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3100 Account 3100 Accumulated Depreciation

- a) Cost Pool: Cost pool equals Subaccount by major asset category
- b) Cost Pool Apportionment Basis: Same as Subaccount ~~Not applicable~~
- c) Regulated/Nonregulated Apportionment Basis: Relative investment value of major asset category
- d) Cost Definition: Indirectly attributable

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3300 Account 3300 Accumulated Depreciation-Nonoperating

- e) ~~Cost Pool: Same as Account~~
- f) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- g) ~~Regulated/Nonregulated Apportionment Basis: Relative investment value of Nonoperating Plant~~
- h) ~~Cost Definition: Indirectly attributable~~

(Source: Added at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3400 Account 3400 Accumulated Amortization – Tangible (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Capital lease and leasehold improvements investment~~

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- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3410 Account 3410 Accumulated Amortization-Capitalized Leases

a) Regulated cost pool

- 1) Cost Pool Apportionment Basis: Lease analysis
- 2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated
- 3) Cost Definition: Directly assignable

b) Nonregulated cost pool

- 1) Cost Pool Apportionment Basis: Lease analysis
- 2) Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated
- 3) Cost Definition: Directly assignable

c) Other cost pool

- 1) Cost Pool Apportionment Basis: Lease analysis
- 2) Regulated/Nonregulated Apportionment Basis: Methodology by major asset class
- 3) Cost Definition: Indirectly attributable
- 4) Comments: Analysis will be performed to determine major asset classification of property. Apportionment will be based on methodology for the asset classification.

(Source: Added at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3500 Account 3500 Accumulated Amortization – Intangibles (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~

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- c) ~~Regulated/Nonregulated Apportionment Basis: Relative Value: Intangibles~~
- d) ~~Cost Definition: Directly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.3600 Account 3600 Accumulated Amortization – Other (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative Value: Plant adjustment~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.6120 Account 6120 General Land Support Expenses

- a) Cost Pool: Same as Account
- b) Cost Pool Apportionment Basis: Cost pool equals Account
- c) Regulated/Nonregulated Apportionment Basis: Relative value: Land and support assets
- d) Cost Definition: Indirectly attributable

(Source: Amended at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.6710 Account 6710 Executive and Planning (Repealed)

- a) ~~Regulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Regulated~~
 - 3) ~~Cost Definition: Directly assignable~~

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- 4) ~~Comments: Apportioned among three cost pools based on analysis of transaction to account which may include functional analysis of certain types of charges. If detailed information is not available, entire account can be in general cost pool.~~
- b) ~~Nonregulated cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Directly assigned to Nonregulated~~
 - 3) ~~Cost Definition: Directly assignable~~
 - 4) ~~Comments: Apportioned among three cost pools based on analysis of transaction to account which may include functional analysis of certain types of charges. If detailed information is not available, entire account can be in general cost pool.~~
- c) ~~General cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Residual of Account~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
 - 3) ~~Cost Definition: Unattributable~~
 - 4) ~~Comments: Apportioned among three cost pools based on analysis of transaction to account which may include functional analysis of certain types of charges. If detailed information is not available, entire account can be in general cost pool.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7200 Account 7200 Operating Taxes

- a) Cost Pool: Same as Account
- b) Cost Pool Apportionment Basis: Account transaction analysis
- c) Regulated/Nonregulated Apportionment Basis: Account transaction analysis

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- d) Cost Definition: Indirectly attributable
- e) Comments: An analysis of tax records is performed to determine which apportionment methodology is appropriate.

(Source: Added at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7210 Account 7210 Operating Investment Tax Credits – Net (Repealed)

- a) ~~Cost pool equals major asset category.~~
- b) ~~Cost Pool Apportionment Basis: Analysis of tax records~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Relative Investment Value: Major asset category~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7220 Account 7220 Operating Federal Income Taxes (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Regulated/Nonregulated pre tax book income~~
- d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7230 Account 7230 Operating State and Local Income Taxes (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Regulated/Nonregulated pre tax book income~~

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d) ~~Cost Definition: Indirectly attributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7240 Account 7240 Operating Other Taxes (Repealed)

a) ~~Property related cost pool~~

- 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value: Telecommunications plant investment less intangible assets~~
- 3) ~~Cost Definition: Indirectly attributable~~

b) ~~Gross receipts/revenues cost pool~~

- 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Regulated/Nonregulated revenues taxable as gross receipts~~
- 3) ~~Cost Definition: Indirectly attributable~~

c) ~~Other cost pool~~

- 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
- 2) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- 3) ~~Cost Definition: See subsection (c)(4)~~
- 4) ~~Comments: An analysis of this subaccount is performed to determine the origin of the tax. Each transaction is then apportioned using the appropriate methodology (See Section 712.110(a)).~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7250 Account 7250 Provision for Deferred Operating Income Taxes – Net
(Repealed)

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- a) ~~Property related cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Relative value of property on which tax is based~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- b) ~~Wage related cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Total company wages and salaries~~
 - 3) ~~Cost Definition: Indirectly attributable~~
- c) ~~Other cost pool~~
 - 1) ~~Cost Pool Apportionment Basis: Account transaction analysis~~
 - 2) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
 - 3) ~~Cost Definition: See subsection (c)(4)~~
 - 4) ~~Comments: An analysis is performed to determine the origin of the timing difference which gives rise to the tax deferral. Each transaction is then apportioned using the appropriate methodology.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7300 Account 7300 Nonoperating Income and Expenses

- a) Cost Pool: Same as Account
- b) Cost Pool Apportionment Basis: Cost pool equals Account
- c) Regulated/Nonregulated Apportionment Basis: Account transaction analysis
- d) Cost Definition: See subsection (e).

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- e) Comments: An analysis is performed to determine from which major types of property gains or losses were realized. Each transaction is then apportioned using the same methodology used for that type of property.

(Source: Added at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7350 Account 7350 Gains or Losses from the Disposition of Certain

Property (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: Account transaction analysis~~
- d) ~~Cost Definition: See subsection (e).~~
- e) ~~Comments: An analysis is performed to determine from which major types of property gains or losses were realized. Each transaction is then apportioned using the same methodology used for that type of property.~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

Section 712.7370 Account 7370 Special Charges (Repealed)

- a) ~~Cost Pool: Same as Account~~
- b) ~~Cost Pool Apportionment Basis: Cost pool equals Account~~
- c) ~~Regulated/Nonregulated Apportionment Basis: General allocator~~
- d) ~~Cost Definition: Unattributable~~

(Source: Repealed at 27 Ill. Reg. 12489, effective August 1, 2003)

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- 1) The Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
25.67	Amendment
25.115	Amendment
25.125	Amendment
25.127	Amendment
25.140	Amendment
25.145	Amendment
25.155	Amendment
25.160	Amendment
25.313	Amendment
25.442	Amendment
25.710	Amendment
25.728	Amendment
25.Appendix D	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Rules: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rules do contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act; please see Section 25.115.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
April 18, 2003; 27 Ill. Reg. 6432
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version:

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Several technical corrections were made so that the underlying text would reflect the version currently on file. The text of Section 25.125(a)(2) was underlined to display it correctly as an amendment. Minor wording changes were made for stylistic consistency.

The phrase “content-area tests” was added to the definition of “Test” or “Tests” and to Section 25.728(c) to make clear that this term will be used to refer to tests of subject matter knowledge.

The title of one test was changed to “Elementary/Middle Grades (K-9)” to reflect its scope more accurately.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.11	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.20	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.30	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.35	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.40	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.80	Amendment	27 Ill. Reg. 10150, July 11, 2003
25.92	New Section	27 Ill. Reg. 10150, July 11, 2003

- 15) Summary and Purpose of Amendments:

The main group of changes in this set of amendments pertains to procedural matters connected with accreditation reviews leading to the approval of programs that prepare educators. These are found throughout Subpart C of the rules. Chief among them are incorporation of the 2002 version of the NCATE standards; a change in the role of the State Board staff member who serves with each review panel; and a change from “Fifth-Year Review” to “Accreditation Review” to accommodate the potential for a different review cycle in future. The remaining changes involve necessary updating.

Section 25.67 is being changed to reflect the statute’s permission for an alternative program to convey knowledge and skills contained in an approved program offered by another institution (i.e., the alternative programs authorized under Section 21-5c of the School Code may be offered through institutions that do not have “regular” approved

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programs in the same area).

Section 25.442 (Illinois Teacher Corps Programs) is being amended to state the requirement for passage of the relevant assessment of professional teaching (APT) and to provide for receipt of a standard certificate rather than an initial certificate pursuant to P.A. 92-560.

In Section 25.710, the discussion of “passing raw score” is being amended to accommodate scoring for constructed-response items. In addition, the list of tests that will make up the Illinois Certification Testing System beginning next year is being added.

Section 25.728 (Use of Test Results by Institutions of Higher Education) is being revised to permit the use of the APT as a requirement for program completion.

Finally, Appendix D is being amplified to reflect the availability of an additional certificate from the National Board for Professional Teaching Standards.

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

Name: Lee Patton, Interim Director
Certification and Professional Development
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-4123

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for the Elementary Certificate

EMERGENCY

25.30 Requirements for the Secondary Certificate

EMERGENCY

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies

EMERGENCY

25.40 Requirements for the Special K-12 Certificate

EMERGENCY

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
(Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for the Early Childhood Certificate

EMERGENCY

25.85 Special Provisions for Endorsement in Foreign Language for Individuals
Currently Certified

25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared

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as Teachers But Not Currently Certified

25.90 Transitional Bilingual Certificate and Examination

25.92 Visiting International Teacher Certificate

EMERGENCY

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL
EDUCATORS IN THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of
Programs25.120 Standards and Criteria for Institutional Recognition and Program Approval
(Repealed)25.125 ~~Fifth Year~~ Accreditation Review of the Educational Unit25.127 ~~Fifth Year~~ Review of Individual Programs25.130 Special Provisions for Institutions Subject to Conditions for Continuing
Accreditation25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000,
through Fall Visits of 200125.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from
Spring of 2002 through Spring of 200325.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999,
through June 30, 2000 (Repealed)

25.140 Transitional Requirements for Unit Assessment Systems

25.145 Approval of New Programs Within Recognized Institutions

25.147 Approval of Programs for Foreign Language Beginning July 1, 2003

25.150 The Periodic Review Process (Repealed)

25.155 Initial Recognition Procedures

25.160 Notification of Recommendations; Decisions by State Board of Education

25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.210 Requirements for the Certification of School Social Workers

25.220 Requirements for the Certification of Guidance Personnel

25.230 Requirements for the Certification of School Psychologists

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25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND
SUPERVISORY STAFF

Section

25.310 Definitions (Repealed)
25.311 Administrative Certificate
25.313 Alternative Route to Administrative Certification
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement
25.344 Chief School Business Official Endorsement
25.355 Superintendent Endorsement

SUBPART F: GENERAL PROVISIONS

Section

25.400 Registration of Certificates; Fees
25.405 Military Service
25.410 Revoked Certificates
25.415 Credit in Junior College
25.420 Psychology Accepted as Professional Education
25.425 Individuals Prepared in Out-of-State Institutions
25.427 Three-Year Limitation
25.430 Institutional Approval
25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
25.437 Equivalency of General Education Requirements (Repealed)
25.440 Master of Arts NCATE
25.442 Illinois Teacher Corps Programs
25.444 Illinois Teaching Excellence Program
25.445 College Credit for High School Mathematics and Language Courses
25.450 Lapsed Certificates
25.455 Substitute Certificates
25.460 Provisional Special and Provisional High School Certificates
25.465 Credit
25.470 Meaning of Experience on Administrative Certificates
25.475 Certificates and Permits No Longer Issued (Repealed)

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25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose - Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores

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25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.872	Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875	Continuing Professional Development Units (CPDUs)
25.880	“Valid and Exempt” Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

Section	
25.900	Applicability of Requirements in this Subpart
25.905	Choices Available to Holders of Initial Certificates
25.910	Requirements for Induction and Mentoring
25.915	Requirements for Coursework on the Assessment of One’s Own Performance

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- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
- 25.925 Requirements Related to Advanced Degrees
- 25.930 Requirements for Continuing Professional Development Units (CPDUs)
- 25.935 Additional Activities for Which CPDUs May Be Earned
- 25.940 Examination
- 25.945 Procedural Requirements

- 25.APPENDIX A Statistical Test Equating - Certification Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000
- 25.APPENDIX C Exchange of Certificates
- 25.APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744,

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effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003.

SUBPART B: CERTIFICATES

Section 25.67 Alternative Route to Teacher Certification

- a) Section 21-5c of the School Code [105 ILCS 5/21-5c] provides for the issuance of provisional alternative teaching certificates to eligible candidates, as defined in that Section, who successfully complete an intensive course of study approved by the State Board of Education.
- b) Section 21-5c of the School Code further provides for the issuance of initial teaching certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:
 - 1) one year's full-time teaching; and
 - 2) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.
- c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5c of the School Code and this Section. Proposals shall be addressed as follows:

State Board of Education
Alternative Certification Program
100 North First Street
Springfield, Illinois 62777-0001
- d) Proposal Requirements
 - 1) Each proposal shall describe the role and responsibilities of each cosponsor of the alternative program.
 - 2) Each proposal shall demonstrate how the participating institution of higher education will evaluate the congruence of a candidate's baccalaureate

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education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and certification.

- 3) Each proposal shall state that all candidates must:
 - A) pass the test of basic skills required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] prior to beginning the proposed course of study; and
 - B) pass the content-area test of ~~subject matter knowledge~~ required pursuant to Section 21-1a of the School Code prior to beginning the teaching assignment that is a part of the alternative program.
- 4) Each proposal shall describe the proposed course of study.
 - A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in ~~the participating institution's~~ a preparation program approved pursuant to ~~Section 25.120~~ Subpart C of this Part with regard to:
 - i) educational theory;
 - ii) instructional methods; and
 - iii) practice teaching.
 - B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon such factors as their experience and the type of program offered. In all cases, the amount of time needed shall be less than that required to complete the institution's program approved pursuant to ~~Section 25.120~~ Subpart C of this Part.
 - C) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long teaching

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assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.

- 5) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school district(s) where candidates will practice. Each such agreement shall address:
 - A) the nature and intensity of the support to be provided to candidates by experienced teachers and other staff members of the district, including:
 - i) the qualifications and experience of the assisting teachers and staff,
 - ii) the estimated amount of time assisting teachers and staff will devote to advising and assisting candidates, and
 - iii) the specific roles of the assisting teachers and staff; and
 - B) provisions enabling candidates to compensate for teaching time lost due to emergencies.
- 6) Each proposal shall describe the proposed method of assessing candidates' teaching performance for the year referred to in this Section and shall provide for such methods to be set forth in a formal, written agreement between the participating institution of higher education and the school district(s) where candidates will practice. Each such agreement shall describe:
 - A) the roles of all parties who will participate in the evaluation of candidates; and
 - B) assessment methods capable of demonstrating whether a candidate is:
 - i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and

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- ii) skilled in managing and monitoring students' learning.
- 7) Each proposal shall delineate the criteria by which candidates will be recommended for initial certification by the participating institution of higher education.
- e) Each alternative program established pursuant to this Section shall be subject to the ~~Fifth-Year~~ Accreditation Review described in ~~Section 25.150~~ Subpart C of this Part.
- f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board ~~which that~~ describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL
EDUCATORS IN THE STATE OF ILLINOIS

Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

In order for an Illinois institution of higher education to offer one or more programs that prepare professional educators, that institution must be recognized, and the educational unit responsible for such program(s) must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Specific preparation programs offered by recognized institutions must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board. When authorized by the State Superintendent, written materials required pursuant to this Subpart C may be submitted in electronic form.

- a) An institution shall be recognized if it:
 - 1) is approved as a degree-granting institution, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];
 - 2) sponsors a course of study leading to an appropriate baccalaureate or

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higher degree and awards the degree; and

- 3) conducts or proposes to conduct at least one approved program that will prepare professional educators.
- b) An educational unit shall be accredited if the institution meets the standards enumerated in “Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education” (~~2001~~) (2002), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).
- c) A preparation program shall be approved if it meets the applicable content standards established by the State Board of Education, except as provided in Section 25.135 of this Part.
- d) The accreditation of an educational unit and the approval of its programs shall be subject to review every five years. Fifth-Year Accreditation Review shall be conducted as provided in Sections 25.125 and 25.127 of this Part and decisions regarding continued accreditation and approval shall be made as provided in those Sections, except as provided in Section 25.130, 25.135, or 25.136 of this Part.
- e) ~~No later than~~ Between October 1 and November 30 of each year, each accredited educational unit shall submit to the State Superintendent of Education:
 - 1) an annual report which describes any changes in the unit or its program(s), updates any information previously provided if needed, and/or documents how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as not met or met with areas of weakness. ~~This report shall include; and~~
 - 2) an Institutional Data Report, on forms provided by the State Board of Education, that displays information about the ~~students,~~ candidates, staff, and resources of the institution’s programs.
- f) The State Teacher Certification Board shall be notified at its ~~January~~ February meeting of any institution that has failed to submit a report required by subsection (e) of this Section.
- g) No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers’

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pass rates on the examinations required for initial certification pursuant to this Part and other information required by Title II of the Higher Education Act [20 USCA 1027]. Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, guidance counselors, and prospective employers of the institution's program completers.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.125 ~~Fifth-Year~~ Accreditation Review of the Educational Unit

The requirements of this Section shall apply to ~~Fifth-Year Accreditation~~ Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall occur between March 1 and May 31 and between September 1 and November 30 and shall be scheduled for the mutual convenience of the affected institution and the review panel.

- a) No later than February 1 (for a spring review) or September 1 (for a fall review) of the year before the year when its ~~Fifth-Year Accreditation~~ Review will be held, the institution shall submit to the State Superintendent of Education ~~ten~~ five ~~copies of a report providing an overview of the unit's conceptual framework(s) each of the two reports specified in this subsection (a).~~ copies of a report providing an overview of the unit's conceptual framework(s) each of the two reports specified in this subsection (a). However, in the case of an institution that is also seeking initial accreditation from NCATE, ~~the report these reports~~ shall be submitted six months earlier than otherwise required by this subsection (a).
 - 1) The institution shall submit a report providing an overview of the unit's conceptual frameworks(s), which shall include a description of each framework, its development, and any changes that have been made since the institution's previous ~~Fifth-Year Accreditation~~ Review. The discussion of the framework(s) shall address each of the "structural elements" found in the standards referred to in Section 25.115(b) of this Part.
 - 2) The institution shall submit a report describing how the unit's teacher preparation programs address the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and how the unit's preparation programs for school administrators address the Illinois Professional School Leader Standards set forth at 23 Ill. Adm. Code 29.100 (see Standards for Administrative Certification).
- b) A panel established by the State Superintendent shall review the overview of the

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unit's conceptual framework(s) no more than 30 days after the overview is submitted. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its conceptual framework(s) is adequate or that certain structural elements were not adequately addressed and will undergo additional scrutiny by the review team during the visit described in subsection (e) of this Section.

- c) No later than 60 days before its review visit, the institution shall submit to the State Superintendent ~~ten~~ the number of copies specified in light of the review team's size, and to NCATE (if applicable) the number of copies required by NCATE, of a report presented in a format prescribed by the State Board of Education and incorporating:
- 1) an overview of the institution;
 - 2) an overview of the unit's conceptual framework(s);
 - 3) evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part; and
 - 4) evidence that it is meeting the standards established by the State Board of Education (see 23 Ill. Adm. Code 24, Standards for All Illinois Teachers, and 23 Ill. Adm. Code 29, Standards for Administrative Certification, as applicable).
- d) A review team shall be empanelled to conduct an on-site review to verify the information provided by the institution as required by subsection (c) of this Section. The review team shall be constituted as provided in subsection (d)(1) or (d)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.
- 1) **Institutions Seeking State Accreditation Only**

From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review and shall appoint the team's chair. ~~The review team shall be chaired by a~~ A staff member of the State Board of Education shall serve as a consultant to ensure that applicable standards, procedures, rules, and statutes are addressed.
 - 2) **Institutions Also Seeking to Achieve or Retain NCATE Accreditation**

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From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall select members to serve on a joint review team with representatives of NCATE's Board of Examiners to conduct the on-site review. The review team shall be co-chaired by a ~~staff member of the State Board of Education~~ member appointed by the State Superintendent and a member of NCATE's Board of Examiners. A staff member of the State Board of Education shall serve as a consultant to ensure that applicable standards, procedures, rules, and statutes are addressed.

- e) The review team shall visit the institution and verify the degree to which the educational unit meets the standards referred to in Section 25.115(b) of this Part.
- f) The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual framework(s), summarizing data on the performance of candidates and graduates, and taking into account the recommendations arising from the review of program reports as outlined in Section 25.127 of this Part. This draft report shall be provided to the institution within 30 business days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair or co-chairs shall review the institution's suggested revisions and make appropriate corrections in consultation with the State Board staff member who is serving pursuant to subsection (d) of this Section. The final report shall be submitted to the institution within 30 days after the State Board's receipt of the institution's suggested corrections.
- g) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings that meets the following requirements:
 - 1) The rejoinder must indicate the grounds for disagreement with one or more of the team's findings and include documentation to support the institution's position.
 - 2) All documentation must describe conditions that existed at the time of the on-site review. (Changes made by the unit after the visit will not be considered.)
 - 3) All documentation must relate directly to the standards and procedures that applied at the time of the on-site visit.

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- h) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, a response to that rejoinder provided by the team's chair or co-chairs, and the results of the review of the program report(s), as well as ~~NCATE's accreditation decision regarding the educational unit if applicable and available~~ any other relevant documentation that was available to the review team.
- i) After consideration of the information submitted pursuant to subsection (h) of this Section, the Certification Board shall convey to the State Board of Education a recommendation regarding the accreditation of the educational unit as appropriate to the circumstances, in keeping with the provisions of subsection (j) of this Section. The Certification Board shall also convey recommendations regarding approval of the unit's individual programs (see Section 25.127 of this Part).
- j) The possible outcomes of ~~Fifth-Year~~ Accreditation Review shall align with those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.
- 1) If the educational unit has met all the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement.
 - 2) If the educational unit has failed to meet one or more of the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with conditions, thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement. An institution to which accreditation with conditions has been assigned shall, within 30 days after receipt of the State Board's decision, provide written notification to the ~~students~~ candidates enrolled in the unit's programs to this effect.
 - A) If the State Teacher Certification Board believes that the unit can make adjustments so as to satisfy the conditions expressed within

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six months, the Board shall recommend that the State Board of Education request submission of documentation that addresses the unmet standard(s) as well as any other weaknesses within that time. However, the affected unit may choose to undergo a focused visit pursuant to subsection (j)(2)(B) of this Section instead.

- B) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet standard(s) and any additional area(s) of weakness within two years after the semester when the conditions were issued.
 - C) If documentation is submitted pursuant to subsection (j)(2)(A) of this Section, the State Board of Education shall either continue the institution's accreditation, if the conditions expressed have been satisfied, or require a focused visit addressing the unmet standard(s) and any additional area(s) of weakness, which shall occur within one year after the semester in which the documentation was submitted.
 - i) Each focused visit shall be conducted by a ~~panel~~ team established by the State Superintendent of Education and trained in the review process.
 - ii) The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied.
 - iii) After reviewing the team's report, the State Teacher Certification Board shall recommend that the State Board of Education continue or revoke the unit's accreditation.
 - D) A unit to which continued accreditation is granted shall next be due for ~~Fifth-Year~~ Accreditation Review according to its original schedule.
- 3) If the educational unit has failed to meet one or more of the applicable standards and exhibits weaknesses that may limit its candidates' ability to meet the standards for certification, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of

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the educational unit with probation. An institution to which accreditation with probation has been assigned shall, within 30 days after receipt of the State Board's decision, provide written notification to the ~~students~~ candidates enrolled in the unit's programs to this effect. If accreditation with probation is assigned, the unit must schedule an on-site visit within two years after the semester in which the decision was rendered. As part of this visit, the unit must address all the standards in effect at the time of the review that resulted in probation.

- A) An on-site review required pursuant to this subsection (j)(3) shall be subject to the requirements of subsections (a) through (g) of this Section.
 - B) Following the on-site review, the State Teacher Certification Board shall review the team's report and, based on its assessment of the degree to which the unit has achieved compliance with the applicable standards, shall recommend to the State Board of Education that it either continue or revoke the institution's recognition and the educational unit's accreditation.
 - C) A unit whose accreditation has been continued pursuant to this subsection (j)(3) shall next be subject to ~~Fifth-Year~~ Accreditation Review according to its original schedule.
- k) The provisions of subsection (j) of this Section notwithstanding, an institution not accredited by NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled ~~Fifth-Year Accreditation~~ Review, a ~~Fifth-Year~~ an Accreditation Review shall be conducted as described in this Section, and the schedule for subsequent ~~Fifth-Year Accreditation~~ Reviews shall be altered accordingly.
- l) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Revocation of recognition and accreditation shall be subject to the provisions of Section 25.165(b) of this Part.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

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- a) No later than February 1 (for a spring review) or September 15 (for a fall review) of the year before the year when its ~~Fifth-Year~~ Accreditation Review will be held, the institution shall submit five copies of either a full or an interim report for each of its programs, including any alternative program established pursuant to Section 21-5b, 21-5c, or 21-5d of the School Code. These reports shall be submitted either to the State Superintendent or to NCATE, as provided in subsection (e) of this Section.
- 1) A full report is due for a program if:
 - A) a report for the program has never been reviewed before as part of the State program approval process;
 - B) the program was not reviewed by a content-area review panel in the course of the institution's immediately preceding ~~Fifth-Year~~ Accreditation Review;
 - C) the program's content has been altered or changes have been made in the way in which the program addresses the relevant content-area standards established by the State Board of Education;
 - D) the data reported by the institution on its recent institutional report cards required pursuant to Title II of the Higher Education Act reveal declining levels of performance by the institution's candidates; or
 - E) the content standards for the program have been changed and the change was effective no fewer than 18 months prior to the date for the ~~Fifth-Year~~ Accreditation Review.
 - 2) An interim report is due for a program if the program was found to meet the applicable standards as part of the institution's most recent ~~Fifth-Year~~ Accreditation Review.
- b) Each full program report shall be submitted in a format prescribed by the State Board of Education and shall contain:
- 1) an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program and a description of how they relate to the conceptual framework(s) of the educational unit;

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- 2) a description of the course of study, including field experiences, student teaching, and internships for candidates;
 - 3) a description of how the program meets either:
 - A) the applicable content-area standards established by the State Board of Education, or
 - B) the national standards applied by the relevant specialty professional association, if the report is to be reviewed by such an association pursuant to subsection (d) of this Section;
 - 4) a description of the assessment system used to evaluate candidates in relation to applicable standards at the time of entry into the program, prior to beginning field experience, at the conclusion of student teaching, and upon program completion, as well as a summary of assessment results that includes all the following that are available and an explanation of any element not available:
 - A) candidates' results on the certification tests required pursuant to this Part,
 - B) data on the performance of program completers in the first year of teaching practice,
 - C) results of assessments of candidates' student teaching or internships, and
 - D) any other data that support the institution's analysis of its candidates' teaching knowledge, skill, and performance;
 - 5) the program's faculty and its organizational location within the professional education unit; and
 - 6) the number of program completers over the most recent three years.
- c) Each interim report shall be submitted in a format prescribed by the State Board of Education and shall contain:
- 1) a description of changes, evaluations, and improvements in the program since the institution's most recent ~~Fifth-Year~~ Accreditation Review;

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- 2) a description of how each weakness identified in the most recent program review has been addressed; and
 - 3) data on the performance of candidates and graduates of the program, summarized and cross-referenced to the applicable standards.
- d) The State Board of Education shall recognize “Specialized Professional Associations” (“SPAs”) that are affiliated with NCATE for purposes of program review in accordance with the provisions of this subsection (d).
- 1) Each program conducted by an Illinois institution that is accredited by NCATE will be reviewed by a panel convened under the auspices of the relevant SPA if such a SPA exists and is recognized by the State Board of Education (see subsection (l) of this Section).
 - 2) The State Board of Education shall review the content-area standards of each SPA and determine the degree to which those standards are aligned with the comparable standards established by the State Board. The State Board shall identify any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA and shall require supplementary evidence from the institution regarding these standards (see subsection (f) of this Section).
 - 3) Any other certification program conducted by an institution accredited by NCATE, any addendum to a program report submitted pursuant to subsection (f) of this Section, and each program conducted by an institution not accredited by NCATE will be reviewed by a panel convened by the State Superintendent of Education. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area and shall have been trained in the program review process.
- e) The State Board of Education shall notify each institution no later than two years prior to its scheduled ~~Fifth-Year~~ Accreditation Review as to which of its program reports are to be submitted to the State Superintendent and which, if any, are to be directed to NCATE. Each institution shall submit the reports required pursuant to this Section to NCATE if they are to be reviewed by SPAs and to the State Superintendent of Education if they are to be reviewed by a panel convened by the Superintendent.
- f) As part of the notification provided under subsection (e) of this Section, the State

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Board shall identify for each affected institution any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA. For each affected program, the institution shall submit to the State Superintendent a concurrent addendum to the program report, which shall be submitted in a format prescribed by the State Board and shall describe how the program meets the State standards in question.

- g) No later than 30 days after the State Superintendent or NCATE receives a program report, staff shall notify the affected institution as to whether the report is complete. An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that it is incomplete.
- h) No later than June 15 (for a spring visit) or February 1 (for a fall visit), each review panel shall submit a preliminary critique for each program reviewed, either to NCATE or to the State Superintendent of Education, as applicable. Each preliminary critique shall indicate any standards the panel believes are not met by a particular program and shall provide the panel's rationale for that determination. Each preliminary critique shall be forwarded to the affected institution no later than June 30 or February 15, as applicable.
- i) No later than September 15 or April 15, as applicable, an institution may submit evidence that its program meets the applicable standards, in the form of a rejoinder to a panel's preliminary critique. Each rejoinder shall be submitted either to NCATE or to the State Superintendent, as applicable, and shall be forwarded to the responsible panel no later than September 30 or April 30, as applicable.
- j) No later than January 15 or September 1, as applicable, each panel shall complete its reconsideration of each affected program and submit a final critique, either to NCATE or to the State Superintendent, as applicable.
- k) NCATE and the State Superintendent shall ensure that each final critique is received by the affected institution no later than 60 days prior to the scheduled date of the institution's review visit.
- l) An institution may notify the State Superintendent if it does not receive required materials from NCATE or a SPA within the timelines set forth in this Section. The State Board of Education shall withdraw its recognition of any SPA that has failed to comply with the timelines set forth in this Section in more than 20 percent of the reviews it has conducted and fails to supply the State

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Superintendent with evidence that it has sufficient resources available to resume meeting applicable deadlines in time for the next program review cycle.

- m) As part of the accreditation process described in Section 25.125 of this Part, the State Teacher Certification Board shall convey to the State Board of Education a recommendation regarding each preparation program offered by the affected educational unit.
 - 1) The Certification Board may recommend approval of programs that meet the applicable content standards; or
 - 2) The Certification Board may recommend provisional approval of programs whose program reports are found to exhibit less than full compliance with the applicable content standards.
- n) No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent a revised program report, which shall be reviewed as provided in this Section. Staff of the State Board of Education shall thereupon convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the Certification Board shall convey its recommendation that the State Board of Education:
 - 1) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or
 - 2) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it.
- o) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of its approval shall be subject to the requirements of Section 25.165(b) of this Part.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.140 Transitional Requirements for Unit Assessment Systems

In keeping with the timeline described in this Section, each educational unit shall be required to establish and maintain an assessment system for collecting and analyzing information on applicants' qualifications, candidates' and graduates' performance, and the unit's operations for

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the purpose of evaluating and improving the unit and its programs. Each educational unit shall make the transition prescribed in this Section in developing that system. The progress of each educational unit shall be reviewed against the benchmarks described in this Section as applicable to the timing of its ~~Fifth-Year~~ Accreditation Review. In each instance, the required information shall be presented in a format prescribed by the State Board of Education.

a) Fifth-Year Review in Spring of 2002

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with a plan for its assessment system.

- 1) The plan shall describe the unit's design for collecting, analyzing, summarizing, and using information gleaned from assessments of candidates, including measures that will provide evidence of candidates' proficiency with respect to professional, State, and institutional standards.
- 2) The plan shall provide for the collection of information enabling the unit to:
 - A) make decisions about candidates' qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion;
 - B) demonstrate that admissions requirements are related to candidates' success;
 - C) use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences; and
 - D) use results from assessments of unit operations (e.g., faculty evaluations, graduate surveys, employee surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.
- 3) The plan shall identify the types of assessments that will be used by the unit and at what points during the unit's programs the major assessments of candidates' performance will occur. The plan shall also indicate how this information will be provided to candidates.

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- 4) The plan shall include multiple types of assessment (e.g., reflections, observations, teaching demonstrations, analytic work, candidates' projects).
- 5) The plan shall include provision for information from both internal and external sources.

b) ~~Fifth-Year~~ Review in Fall of 2002 or Spring of 2003

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

- 1) It has begun to implement the plan for its assessment system that is required pursuant to subsection (a)(1) of this Section;
- 2) Internal assessments based on professional, State, and institutional standards have been developed, and efforts are under way to develop methods for evaluating them in terms of their accuracy, consistency, and fairness; and
- 3) Systematic compilation of the data available from internal assessments has been initiated.

c) ~~Fifth-Year~~ Accreditation Review in Fall of 2003 or Spring of 2004

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

- 1) The unit is using internal performance assessments to identify the competence of all candidates.
- 2) A system is in place for testing the accuracy, consistency, and fairness of internal assessments.
- 3) Systematic management and analysis of data on candidates' performance have begun.

d) ~~Fifth-Year~~ Accreditation Review After Spring of 2004

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

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- 1) The unit's assessment system is being implemented, evaluated, and refined.
- 2) Performance assessments are being tested for accuracy, consistency, and fairness.
- 3) Data on candidates' performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit's programs.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.145 Approval of New Programs Within Recognized Institutions

The procedures set forth in this Section shall apply to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia. A consortium is a partnership involving two or more teacher education institutions with accredited educational units, or one or more such institutions and one or more not-for-profit organizations in the State which support excellence in teaching and/or one or more school districts. Each consortium shall designate from among its members a recognized institution of higher education whose schedule for ~~Fifth-Year~~ Accreditation Reviews shall apply to the consortium's programs also.

- a) The institution shall submit to the State Superintendent of Education five copies of a program report meeting the requirements of Section 25.127(b)(1) through (b)(5) of this Part, showing how each proposed program meets the applicable professional education and content-area standards established by the State Board of Education.
- b) A panel established by the State Superintendent shall review the program report. ~~The members of the panel shall be chosen from a pool of individuals~~ include at least one individual with expertise in the respective content area.
 - 1) No later than 30 days after the State Superintendent receives a program report, staff shall notify the affected institution as to whether the report is complete.
 - 2) An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that it is incomplete.

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- 3) The review panel shall notify the affected institution of any applicable standards not addressed in its program report, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
 - 4) The affected institution may submit additional documentation or revisions to a program report that may include descriptions of changes in the program made in response to the preliminary critique provided by the panel pursuant to subsection (b)(3) of this Section.
 - 5) The review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable professional education and content-area standards established by the State Board of Education and recommending action with respect to the proposed program.
- c) Staff of the State Board of Education shall convey to the State Teacher Certification Board the report and recommendations resulting from the review of the program report.
 - d) After consideration of the information and recommendations, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
 - 1) Provisionally approve the proposed new teacher education program(s), thereby authorizing the educational unit to conduct the program(s) and to recommend candidates for certification by entitlement until the time of the institution's next scheduled ~~Fifth-Year~~ Accreditation Review; or
 - 2) Deny approval of the proposed program(s), thereby prohibiting the conduct of the affected program(s).
 - e) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.
 - f) When a unit submits a proposal for an alternative program under any of Sections 21-5b, 21-5c, and 21-5d of the School Code [105 ILCS 5/21-5b, 21-5c, and 21-5d], that proposal shall not be considered a new program subject to this Section. The review of such a proposal shall be as delineated in Section 25.65, 25.67, or 25.313 of this Part, as applicable.

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(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.155 Initial Recognition Procedures

The procedures set forth in this Section shall apply to initial recognition of an institution and the concurrent accreditation of the educational unit and approval of one or more teacher preparation programs within that institution.

- a) An institution may notify the State Board of Education of its desire to initiate the initial recognition, accreditation, and program approval process by submitting a letter of intent to the State Superintendent of Education on a form provided by the State Board. Within 30 days after receipt of such a notification, the State Superintendent shall respond to the institution, identifying the staff member who will be responsible for assisting the institution and inviting the institution to submit its required materials to that individual.
- b) The institution shall submit to the State Superintendent of Education ten copies of a report containing:
 - 1) information indicating that the institution meets the conditions described in Section 25.115(a) of this Part;
 - 2) a written description of the educational unit, including:
 - A) identification of the unit, its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;
 - B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation;
 - C) the written policies and procedures which guide the operations of the educational unit;
 - D) the unit's policies for monitoring and evaluating its operations, the quality of its offerings, performance of candidates, and effectiveness of its graduates; and

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- E) the unit's published criteria for admission to and exit from all initial and advanced preparation programs for professional educators, and provision for summary reports of candidate performance at exit; and
- 3) a complete description of the unit's conceptual framework(s) and its/their development, which shall address each of the "structural elements" of conceptual frameworks found in the standards referred to in Section 25.115(b) of this Part.
- c) Review of conceptual frameworks for institutions seeking initial recognition shall be conducted twice annually by a panel convened by the State Superintendent of Education. Each spring review shall encompass all material postmarked by February 1. Each fall review shall encompass all material postmarked by September 1. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its conceptual framework(s) is adequate or that certain structural elements were not adequately addressed.
 - d) If the description of the conceptual framework(s) is not found to be adequate, no further review of the institution shall occur unless the institution submits a revised conceptual framework. If the description of the conceptual framework(s) is found to be adequate, a review visit shall be scheduled between March 1 and May 31 of the following year (for institutions whose conceptual frameworks were reviewed in the spring) or between September 1 and November 30 of the following year (for institutions whose conceptual frameworks were reviewed in the fall) and shall be scheduled for the mutual convenience of the affected institution and the review panel.
 - e) With regard to each program for which approval is sought, the institution shall submit to the State Superintendent of Education five copies of a program report meeting the requirements of Section 25.127(b) of this Part. An institution shall submit its program reports no later than February 1 (for a spring review) or September 1 (for a fall review) of the year before the year in which it anticipates being ready for institutional review pursuant to subsection (h) of this Section.
 - f) A panel established by the State Superintendent shall review the program report of each proposed program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
 - 1) No later than 30 days after the State Superintendent receives a program

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report, staff shall notify the affected institution as to whether the report is complete pursuant to Section 25.127(b) of this Part.

- 2) An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that a report is incomplete.
 - 3) No later than August 1 (before a spring visit) or February 1 (before a fall visit), the review panel shall notify the affected institution of any applicable standards not addressed in its program report, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's critique.
 - 4) No later than October 1 (before a spring visit) or April 1 (before a fall visit), the affected institution may submit revisions to a program report that may include descriptions of changes in the program made in response to the preliminary critique provided by the panel pursuant to subsection (f)(3) of this Section.
 - 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each program review panel shall submit to the affected institution and to the State Superintendent a final critique describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- g) The institution shall submit to the State Superintendent ten copies of an institutional report incorporating an overview of the institution, an overview of the unit's conceptual framework(s), and evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part. This report shall be submitted in a format prescribed by the State Board of Education.
- h) The State Superintendent of Education shall authorize the scheduling of an on-site review visit to the institution when:
- 1) its conceptual framework is found to be adequate;
 - 2) the institution has submitted the narrative required under subsection (g) of this Section; and
 - 3) a panel has reviewed the program reports submitted by the institution as

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required by subsection (f) of this Section and has determined that each such report meets the applicable content standards established by the State Board of Education.

- i) From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct an on-site review to verify the information provided by the institution as required by subsection (g) of this Section. ~~The review team shall be chaired by a~~ A staff member of the State Board of Education shall serve as a consultant to ensure that applicable standards, procedures, rules, and statutes are addressed. The review team shall conduct the review visit, prepare its draft and final reports, and submit its final report as provided in Section 25.125(e) and (f) of this Part.
- j) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings meeting the requirements of Section 25.125(g) of this Part.
- k) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report, ~~and the institution's letter of agreement or rejoinder,~~ and a response to that rejoinder provided by the team's chair.
- l) The Certification Board, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education:
 - 1) Recognize the institution, accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or
 - 2) Recognize the institution, provisionally accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and recommend candidates for certification by entitlement (subject to the requirements of Section 25.125(j)(2) of this Part); or
 - 3) Deny recognition of the institution, accreditation of the affected educational unit, or approval of one or more teacher education programs, thereby prohibiting the conduct of the proposed program(s).

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- m) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.160 Notification of Recommendations; Decisions by State Board of Education

- a) The State Superintendent of Education shall notify an affected institution in writing not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C and shall await the institution's response (see subsection (b) of this Section) prior to forwarding that recommendation to the State Board of Education.
- b) Within 30 days after receipt of written notification from the State Superintendent, an affected institution may submit a notice of objection to the Certification Board's recommendation, provided that:
- 1) the institution's narrative explanation of its objection(s) and any supporting documentation shall be submitted to the State Superintendent not later than 30 days after the institution submits its notice of objection; and
 - 2) the State Teacher Certification Board has recommended anything other than unconditional accreditation of the unit and approval of the affected preparation program(s).
- c) The State Superintendent shall forward to the State Board of Education for consideration at its next available meeting the recommendation made by the State Teacher Certification Board and the institution's presentation of its objection(s) and shall inform the Certification Board that these materials have been submitted for the State Board's consideration.
- d) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution in writing of the State Board's action.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

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Section 25.313 Alternative Route to Administrative Certification

- a) Section 21-5d of the School Code [105 ILCS 5/21-5d] provides for the issuance of provisional alternative administrative certificates to eligible candidates, as defined in that Section, who successfully complete a course of study approved by the State Board of Education in consultation with the State Teacher Certification Board.
- b) Section 21-5d of the School Code further provides for the issuance of standard administrative certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:
 - 1) one year's full-time administrative work;
 - 2) a comprehensive assessment of the candidate's performance; and
 - 3) a favorable recommendation by the institution of higher education responsible for the course of study.
- c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5d of the School Code and this Section. In making this determination, the State Board of Education shall consult with the State Teacher Certification Board and the advisory panel established pursuant to Section 21-5d of the School Code. Proposals shall be addressed as follows:

State Board of Education
Alternative Certification Program
100 North First Street
Springfield, Illinois 62777-0001
- d) Proposal Requirements
 - 1) Each proposal shall describe the roles and responsibilities of the participating university and the school districts in which candidates will be assigned for the year of practice as full-time administrators.
 - 2) Each proposal shall indicate how candidates who do not possess master's degrees in management shall be determined eligible for the program based on life experience equivalent to a master's degree. In making this

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determination, institutions shall take into consideration candidates' length and breadth of experience in such areas as:

- A) personnel management, supervision, and evaluation;
 - B) long-range planning and evaluation of program effectiveness;
 - C) community and public relations;
 - D) organizational development and improvement;
 - E) finance and budgeting; and
 - F) work involving public schools and other educational units.
- 3) Each proposal shall describe the proposed course of study.
- A) Each proposal shall describe how individual candidates' education and experience will be used in determining the portions of the course of study he or she will be required to complete.
 - B) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in the participating institution's program approved pursuant to ~~Section 25.120~~ Subpart C of this Part with regard to:
 - i) educational management;
 - ii) governance and organization; and
 - iii) planning.
 - C) Each program shall include a preservice assessment of each candidate's performance to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long administrative assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
- 4) Each proposal shall describe the proposed arrangements for candidates' assignment to administrative positions under this Section and shall provide for these to be set forth in a formal, written agreement between the

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participating institution of higher education and the school districts where candidates will practice. Each such agreement shall address the nature and intensity of the support to be provided to candidates by experienced district-level administrators, university staff, and/or other professionals with relevant experience, including at least:

- A) the qualifications and experience of such individuals;
 - B) the estimated amount of time these individuals will devote to advising and assisting candidates; and
 - C) the specific roles of the assisting individuals.
- 5) Each proposal shall describe the proposed method of assessing candidates' performance for the year referred to in this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each such agreement shall include:
- A) the roles of all parties who will participate in the evaluation of candidates; and
 - B) assessment methods capable of demonstrating whether a candidate has acquired knowledge and skills equivalent to those required of candidates pursuing the respective institution's program approved pursuant to ~~Section 25.120~~ Subpart C of this Part.
- 6) Each proposal shall delineate the criteria by which candidates will be recommended for certification by the participating institution of higher education.
- e) Each alternative program established pursuant to this Section shall be subject to the ~~Fifth-Year Accreditation~~ Review described in ~~Section 25.150~~ Subpart C of this Part.
- f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.

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(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

SUBPART F: GENERAL PROVISIONS

Section 25.442 Illinois Teacher Corps Programs

Section 21-11.4 of the School Code [105 ILCS 5/21-11.4] establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career.

- a) Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the State Superintendent of Education. The Superintendent, in consultation with the State Teacher Certification Board, shall approve such programs in accordance with the following requirements:
 - 1) The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.
 - 2) Each Teacher Corps program shall establish the following requirements:
 - A) Program participants *must earn a resident teacher certificate as defined in Section 21-11.3 of the School Code [105 ILCS 5/21-11.3]* and must possess the certificate upon entry into the program.
 - B) Program participants must possess *a bachelor's degree from a regionally accredited institution of higher education with at least a 3.00 out of a 4.00 grade point average or its equivalent.*
 - C) Program participants must:
 - i) *possess a minimum of five years of professional experience in the area in which the candidate wishes to teach; professional experience shall mean experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or*
 - ii) *participate in a one-year teacher preparation internship in*

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a school district, which shall be developed collaboratively by the school district and the institution and approved by the State Teacher Certification Board.

- D) Program participants must pass *the test of basic skills required by Section 21-1a of the School Code [105 ILCS 5/21-1a].*
 - E) Program participants must be enrolled *in a master's of education degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.*
- 3) Teacher Corps Program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.
 - 4) *Teacher Corps program participants must obtain a passing score on the subject matter knowledge test required by Section 21-1a of the School Code by the time of completing the Teacher Corps Program.*
 - 5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:
 - A) *a salary and benefits package as negotiated through the teacher contracts,*
 - B) *a certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and*
 - C) *at least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.*
- b) Upon successful completion of the master's degree Teacher Corps Program and passage of the assessment of professional teaching (APT) relevant to the certificate sought, the participant shall be awarded ~~an initial~~ a standard elementary, secondary, or special certificate(s), as applicable, *and all other general education academic coursework deficiencies shall be waived.*

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Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items ~~which~~ that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. For the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. For the assessment of professional teaching, the basic skills test, and any new ~~test of subject matter knowledge~~ content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, ~~grammar and~~ language arts, and mathematics.

"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests of subject matter knowledge (or "content-area tests") for the Illinois Certification Testing System. ~~These~~ Through June 30, 2004, these tests are:

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Agriculture
Art (K-12)
Art (6-12)
Assessment of Professional Teaching – Early Childhood
Assessment of Professional Teaching – Elementary
Assessment of Professional Teaching – Secondary
Assessment of Professional Teaching – Special
Basic Skills

~~Grammar and~~ Language Arts
Mathematics
Reading Comprehension
Writing

Biological Science
Blind and Partially Sighted
Business/Marketing/Management
Chemistry
Chief School Business Official
Computer Science
Dance
Deaf and Hard of Hearing
Early Childhood
Educable Mentally Handicapped
~~Elementary~~ Elementary/Middle Grades (K-9)
English
English as a Second Language
English Language Proficiency
French
General Administrative
General Science
General Supervisory (available through June 30, 2003)
German
Guidance
Health
Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)

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Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology
School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education

Arabic
Cantonese
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education:

Agricultural Education
Assessment of Professional Teaching

Early Childhood
Elementary

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Secondary
Special

Basic Skills
Business, Marketing, and Computer Education
Chief School Business Official
Dance
Director of Special Education (required beginning July 1, 2005)
Drama/Theatre Arts
Early Childhood
Elementary/Middle Grades (K-9)
English Language Arts
English Language Proficiency
English as a New Language
Family and Consumer Sciences
Foreign Languages

Chinese (Cantonese or Mandarin)
French
German
Hebrew
Italian
Japanese
Korean
Latin
Russian
Spanish

General Administrative
Guidance (through June 30, 2005)
Health Education
Health Careers
Library Information Specialist
Mathematics
Music
Physical Education
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences

Biology
Chemistry

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Earth and Space Science
Environmental Science
Physics

Social Sciences

Economics
Geography
History
Political Science
Psychology
Sociology and Anthropology

Superintendent
Technology Education
Technology Specialist
Transitional Bilingual Education – Language Proficiency

Arabic
Cantonese
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.728 Use of Test Results by Institutions of Higher Education

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- a) Beginning with the 2002-2003 academic year, each institution shall use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b] -- Teacher Education Program Entrance.
- b) Until the beginning of the 2004-2005 academic year, an institution shall have the option of using an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to Subpart C of this Part or for candidates' progression among the components of a program.
- c) Beginning with the 2004-2005 academic year, each institution shall use the ~~tests of subject matter knowledge~~ content-area tests in the disciplines relevant to individuals' student teaching as provided in Section 21-1a(d) of the School Code.
- d) An institution shall have the option of using the Illinois Certification Testing System's assessment of professional teaching as a requirement for completion of a teacher education program or for candidates' progression among the components of a program.
- e) In using ~~the basic skills and subject matter knowledge tests~~ any test that forms part of the Illinois Certification Testing System, institutions shall abide by all the rules governing the ~~Illinois Certification Testing System~~ set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.
- ~~f)~~ Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with registration materials and any other pertinent information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more certification tests in a timely manner.

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

Section 25.Appendix D National Board and Master Certificates

Certificate Issued by National Board for
Professional Teaching Standards

Equivalent Illinois Certificate

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Early Childhood	Early Childhood Master
Middle Childhood	Elementary Master
Early and Middle Childhood	Early Childhood Master and Elementary Master
Early Adolescence	Elementary Master or Secondary Master
Adolescence and Young Adulthood	Secondary Master
Early Adolescence through Young Adulthood	Elementary Master and Secondary Master
<u>Early Childhood through Young Adulthood</u>	<u>Special K-12 Master or Special Preschool – Age 21 Master</u>

(Source: Amended at 27 Ill. Reg. 12523, effective July 21, 2003)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: 121.20 Adopted Action: Amendment
- 4) Statutory Authority:
Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date?
Yes No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
February 14, 2003 (27 Ill. Reg. 2533)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version:
No substantive changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: Yes
Section Numbers Proposed Action Illinois Register Citation

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121.31	Amendment	27 Ill. Reg. 9389; 06/20/03
121.32	Amendment	27 Ill. Reg. 9389; 06/20/03
121.34	Amendment	27 Ill. Reg. 9389; 06/20/03
121.59	Expedited Correction	27 Ill. Reg. 5065; 03/21/03
121.63	Amendment	27 Ill. Reg. 6479; 06/02/03

15) Summary and Purpose of Rule:

Revisions are being made to the Food Stamp Program. These changes are required by enactment of the Food Stamp Reauthorization Act of 2002 (the 2002 Farm Bill – HR 2646). Eligibility is being extended to legal immigrants who have been present in the U.S. for five years. Also, noncitizens who meet citizenship requirements by this rulemaking may now qualify for food stamps.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	
121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
121.223	Work Experience Component (Repealed)
121.224	Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective

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October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921,

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effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 07, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003.

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status -- Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents ~~parent(s)~~.
- b) Non-citizens -- The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:
 - 1) Lawful Permanent Resident ~~Non-citizens~~ Credited with 40 Quarters of Work
 - A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.
 - B) Quarters of a parent count for an alien while the alien is under age 18.
 - C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.
 - 2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is:
 - A) lawful permanent resident;

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- ~~B)~~ — refugee admitted under Section 207 of the Immigration and Nationality Act (INA) (8 USC 1157);
- ~~C)~~ — asylee admitted under Section 208 of the INA (8 USC 1158);
- ~~D)~~ — Cuban or Haitian national admitted on or after 4/21/80;
- BE) conditional entrant under Section 203(a)(7) of the INA (8 USC 1153(a)(7));
- CF) parolee status for at least a year under Section 212(d)(5) of the INA (8 USC 1182(d)(5));
- DG) deportation withheld under Section 243(h) (8 USC 1253(h)) or 241(b)(3) (8 USC 1231(b)(~~393~~)) of the INA; or
- EH) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) (8 USC 1154(a)(1)(A) or (B)) or 244(a)(3) (8 USC 1641(c)) of the INA. This status does not apply if the non-citizen lives with the abuser.
- c3) The Non-citizens Who Qualify for a Limited Time. For 7 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps indefinitely even if their status later changes to lawful permanent resident:
- 1A) refugees admitted under Section 207 of the INA;
- 2B) asylees admitted under Section 208 of the INA;
- 3C) persons for whom deportation has been withheld under Section 243(h) (8 USC 1253(h)) or 241(b)(3)(8 USC 1231(b)(3)) of the INA;
- 4D) Cuban or Haitian national admitted on or after 4/21/80; or
- 5E) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88.
- d-4) Children, disabled, or elderly non-citizens who were lawfully residing in the U.S. on 8/22/96. A person qualifies as a child if the person is under age 18. A person

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qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

- 1A) lawful permanent resident;
 - ~~B)~~ ~~refugee admitted under Section 207 of the Immigration and Nationality Act (INA) (8 USCA 1157);~~
 - ~~C)~~ ~~asylee admitted under Section 208 of the INA;~~
 - ~~D)~~ ~~Cuban or Haitian national admitted on or after 4/21/80;~~
 - 2E) conditional entrant under Section 203(a)(7) of the INA (8 USCA 1153(a)(7));
 - 3F) parolee status for at least a year under Section 212(d)(5) of the INA (8 USCA 1182(d)(5)); or
 - ~~G)~~ ~~deportation withheld under Section 243(h) (8 USCA 1231(b)(3)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA; or~~
 - 4H) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the non-citizen lives with the abuser.
- e 5) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.
- f 6) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of Section 289 of the INA apply, and a member of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act.
- g) Noncitizens who have lived in the U.S. for at least 5 years in the following status

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with INS may receive assistance, if otherwise eligible:

- 1) lawful permanent resident;
- 2) conditional entrant under Section 203(a)(7) of the INA;
- 3) parolee status for at least a year under Section 212(d)(5) of the INA; or
- 4) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204 (a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B) or 240A of the INA. This status does not apply if the noncitizen lives with the abuser.

(Source: Amended at 27 Ill. Reg. 12569, effective July 21, 2003)

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- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) Section Numbers: Adopted Action:

557.10	Amendment
557.20	Amendment
557.30	Amendment
557.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Amendment(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___X___ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:

April 18, 2003, 27 Ill. Reg. 6514
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____
 - B) Agency Response: _____, _____ Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version:

In the TOC 557.30, underlined "for Vocational Rehabilitation Services
In TOC 557.40 added "or" before "Guardian"

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In TOC 557.60 changed “Advisor” to “Advisory”
 In SOURCE, added “Ill.” After “11”
 In Section 557.10(a), added a hyphen between Services and Office.
 In Section 557.20(b), added “DHS-“ before “ORS”.
 In Section 557.20(b) (last paragraph) underlined “supervisor”.
 In Section 557.30 header, underlined “for Vocational Rehabilitation Services”
 In Section 557.30, deleted “,” and added “.”.
 In Section 557.40 header, added “or” after Parent.
 In Section 557.40(a), deleted “,” after “or”.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this (these) amendment(s) replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Amendment(s): This rulemaking clarifies language regarding Customer’s Geographic Assignment to DHS-ORS offices and Parent Guardian Signatures for consent.
- 16) Information and questions regarding this (these) adopted amendment(s) shall be directed to:

Name: Tracie Drew
 Address: 100 South Grand Ave. East
 Springfield, IL 62762
 Telephone: (217) 785-9772

- 17) Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]
 no

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

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 557
 APPLICATION

Section

557.10	General Applicability
557.20	Geographical Customer Assignment
557.30	<u>Application for Vocational Rehabilitation Services Required</u>
557.40	<u>Parent or Guardian Signature Who May Sign</u>
557.50	Assistance in Attaining Necessary Financial Support
557.60	Application for Services by DHS-ORS Employees, Individuals Holding Contracts with DHS-ORS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees or Close Friends of DHS-ORS Employees

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. 10706, effective July 11, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 484, effective December 28, 1998; amended at 23 Ill. Reg. 12621, effective September 29, 1999; amended at 27 Ill. Reg. 12582, effective July 21, 2003.

Section 557.10 General Applicability

- a) Rules contained within this Part are applicable to all Department of Human Services-Office of Rehabilitation Services (DHS-ORS) Vocational Rehabilitation (VR) customers.
- b) ~~For the purposes of this Part, with the exception of Section 557.40, "customer" shall mean any individual seeking VR services from DHS-ORS.~~
- be) For the purposes of Section 557.40, the term "customer" shall mean any

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~~individual seeking VR services from DHS-ORS shall include the individual in subsection (b) above and, as appropriate, that individual's parent, family member, guardian, advocate, or duly authorized representative.~~

(Source: Amended at 27 Ill. Reg. 12582, effective July 21, 2003)

Section 557.20 Geographical Customer Assignment

- a) VR customers may choose to work with the DHS-ORS office that best meets their needs using the principle of informed choice. Specialty districts exist for certain types of disabilities and for certain universities. Customers will be provided information that will assist them in making informed choice. If the customer chooses an office location that requires further travel, DHS-ORS shall not be responsible for assuming the additional travel expenses.
- ab) ~~A customer will be served by the office assigned to the geographic area of the customer's residence. Exceptions to such assignment will only be made when:~~
- ~~1) the customer has temporarily relocated to participate in an IPE (89 Ill. Adm. Code 572) and DHS-ORS has a counselor specifically assigned to the program in which the customer will be participating; or~~
 - ~~2) with written approval of the Bureau Chief of the appropriate Bureau or designee.~~
- be) If the customer's customer moves, the case is to be may be transferred to the DHS-ORS office in the new geographic area. To be transferred, the customer's case shall meet all of the following conditions:
- 1) The case record indicates VR services are currently being provided or there is a need for future VR services;
 - 2) the customer has been informed of the transfer; and
 - 3) after review by the receiving office, it is confirmed that the customer needs VR services.;

If the case meets these conditions, the transfer shall be approved by the receiving supervisor ~~both supervisors~~. If the case does not meet these conditions, it should be closed in the current caseload and, if appropriate, a referral made to the new geographic area office.

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(Source: Amended at 27 Ill. Reg. 12582, effective July 21, 2003)

Section 557.30 Application for Vocational Rehabilitation Services Required

A customer has initiated an application for VR services when the customer or the customer's representative, as appropriate:

- a) has provided to DHS-ORS the information necessary to initiate an assessment to determine eligibility and priority for services; and
- b) is available to complete the assessment process.

~~In order for a customer's case to be moved to applicant status, the customer must make formal application for services. This shall be done by completing the APPLICATION FOR SERVICES AND RIGHTS/REMEDIES (Application) (IL 488-1489).~~

(Source: Amended at 27 Ill. Reg. 12582, effective July 21, 2003)

Section 557.40 Parent or Guardian Signature Who May Sign

Written consent of a parent or guardian is required to participate in VR services for all customers who:

- a) are under 18 years of age, unless emancipated in accordance with the Emancipation of Mature Minors Act [750 ILCS 30]; or
- b) are persons for whom a legal guardian has been appointed.
- ac) ~~The Application must be signed by the customer. The only exception to this is when the customer is competent and at least 18 years of age, but documentation in the case file indicates that the customer is physically unable to sign his/her signature, in which case the counselor will write a statement indicating the reason the customer is unable to sign the Application. This statement must be signed by a witness to attest to its validity.~~
- bd) ~~If the customer is under 18 years of age, unless emancipated in accordance with the Emancipation of Mature Minor Act [750 ILCS 30], the Application must also be signed by the parent or legal guardian.~~
- ce) ~~If the customer is a person for whom a legal guardian of the person has been appointed, the legal guardian must also sign the Application.~~

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(Source: Amended at 27 Ill. Reg. 12582, effective July 21, 2003)

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- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: Adopted Action:
562.20 Amendment
562.30 Amendment
562.40 Amendment
562.90 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Amendment(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ____ Yes __X__ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:
April 18, 2003, 27 Ill. Reg. 6520
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____
 - B) Agency Response: _____, _____ Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version:
In TOC 562.50, changed "Customer" to "Client" to reflect the repealed heading currently on file.

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In TOC Table A, changed "Customer" to "Client" to reflect the repealed heading currently on file.

In SOURCE, changed "amendments" to "amendment".

In Section 562.20, changed "CUSTOMER FINANCIAL ANALYSIS" to lowercase.

In Section 562 definition - Dependent, added a semicolon after "family" and added a comma after "however".

In Section 562 definition - Income, struck the semicolon after "wages" and added a comma and in the last sentence, changed "such" to "those".

In Section 562 definition - Services, struck "DHS/ORS" and added "DHS-ORS".

In Section 562.40(a), capitalized "financial analysis".

In Section 562.30(a)(2), changed "customers'" to "customer's".

In Section 562.30(a)(3), added a comma after "Analysis".

In Section 562.30(b)(1), added a comma after "potential".

In Section 562.30(b)(1), deleted the comma after "NY", deleted "this", and added a period after "NY".

In Section 562.30(b)(1), underlined the existing text because it was not currently on file.

In Section 562.30(b)(1), underlined "and board and transportation".

In Section 562.30(b)(5), deleted the dash and added a colon.

In Section 562.40(b), changed "re-administered" to "readministered" because there is no hyphen on file.

In Section 562.40(d), added a comma after "Analysis".

In Section 562.90 Source note, changed "Reg" to "Reg.".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this (these) amendment(s) replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Amendment(s): This rulemaking clarifies language regarding financial analysis completion and financial participation. This rule also raises the annual Standard Budget Allowance.
- 16) Information and questions regarding this (these) adopted amendment(s) shall be directed to:

Name: Tracie Drew
Address: 100 South Grand Ave. East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62762

Telephone: (217) 785-9772

- 17) Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]
no

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562
 CUSTOMER FINANCIAL PARTICIPATION

Section

562.10	General Applicability
562.20	Definitions
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
562.TABLE A	Determination Table for Client Participation (Repealed)
562.APPENDIX A	Standard Budget Allowances

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1999; amended at 23 Ill. Reg. 13082, effective October 6, 1999; amended at 27 Ill. Reg. 12588, effective July 21, 2003.

Section 562.20 Definitions

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For the purposes of this Part, the following terms shall have the following meanings:

Customer Financial Analysis ~~CUSTOMER FINANCIAL ANALYSIS~~ (IL 488-0265) (Financial Analysis) – the form developed by DHS-ORS to determine customer and family financial participation.

Customer Financial Participation – the amount of money, as determined by the completion of the Financial Analysis, ~~that~~^{which} a customer and/or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.

Dependent – a customer who receives half or more of his/her support from the family; however, customers receiving training service at an institution that participates in the federal assistance program, dependency of the customer shall be verified by information contained in the Free Application for Federal Student Aid (FAFSA).

Family – for the purpose of identifying those individuals included in the family when completing the Financial Analysis, the term "family" shall include the customer and all other family members. A family member is anyone who resides in the same household and is related to the customer by blood or marriage or has a close interpersonal relationship with the customer. ~~mean:~~

~~For customers who are married:~~

~~the customer's spouse; and~~

~~the customer's or spouse's dependent children.~~

~~For customers who are children dependent upon the family for support (e.g., food, lodging, medical/health assistance):~~

~~the customer's parents or step-parents; and~~

~~other dependent children residing in the home.~~

Income – all earned and other income from all sources, including all types of public support; wages; tips; SSI, SSDI; disability payments; Worker's Compensation; interest or dividends from investments, savings, trust funds, certificates of deposit, etc.; child support, spousal support; income from rental and leased property; and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall not be considered as income for the purpose of completion of the Financial Analysis, unless those assets have been established for the support or training of the customer.

Services – those services provided by and through ~~DHS-ORS~~ ~~DHS/ORS~~ to customers of the Vocational Rehabilitation Program VR and as described at 89 Ill. Adm. Code 590 –

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Services.

Standard Budget Allowance (SBA) – the State Median Income figures established by the Office of Community Programs of the United States Department of Health and Human Services ~~that~~which are published annually in the Federal Register.

Unusual Allowable Expenses – expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, a one-time allowance for the purchase of a van or van modification and rehabilitation technology services, ~~that~~which are currently being paid by the customer and/or customer's family ~~that~~which are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education ~~that~~which are not paid by any other source.

(Source: Amended at 27 Ill. Reg. 12588, effective July 21, 2003)

Section 562.30 Financial Analysis Completion

- a) The following factors will be considered in completing the Financial Analysis:
- 1) No Financial Analysis shall be completed for a customer who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.
 - 2) Unless the services provided to the customer are exempt from financial participation as listed in subsection (b) below, all customers~~A customer~~ seeking services through DHS-ORS and, when appropriate, the customer's family must complete the Financial Analysis and participate in the cost of services as indicated by the Financial Analysis. The level of the customer's or family's participation in non-exempt services shall be determined by the Financial Analysis.~~Failure on the part of the customer and/or customer's family to participate in the cost of vocational rehabilitation services, as indicated by the Financial Analysis, shall result in the denial of services from DHS-ORS, except for those which are exempt from financial participation and listed in subsection (b) below.~~
 - 3) In completing the customer's Financial Analysis, the customer's income shall be calculated. The customer's family's income shall be used when the customer is married or the customer is a dependent.
- b) Customer financial participation shall be required for all services except the

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following:

- 1) evaluation of rehabilitation potential, including; (however, VR services other than diagnostic services provided during a trial work period require application of the financial analysis) the evaluation component of the Helen Keller National Center, Sand-Point NY. This includes room and board and transportation;
- 2) services or instruction provided directly by DHS-ORS staff or in a DHS-ORS managed facility/institution counseling, guidance, referral and placement (89 Ill. Adm. Code 590—Subpart I);
- 3) fees for assessment and placement training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
- 4) the work/study component of the summer program and the nine month hearing impaired pre-vocational program at Northern Illinois University;
- 5) services provided through the Bureau of Blind Service's transition program (Transvision) or the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code 590;—Subpart L);
- 6) fees for on-the-job training (OJT);
- 7) job coaching services; and
- 8) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:
 - A) activities of daily living;
 - B) communications skills;
 - C) adjustment counseling;
 - D) mobility instruction;
- 89) interpreter, reader, attendant, and note taker services; and
- 10) the evaluation component of the Helen Keller National Center, Sand-Point, NY, this includes room, board and transportation.

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(Source: Amended at 27 Ill. Reg. 12588, effective July 21, 2003)

Section 562.40 Financial Participation

- a) The Financial Analysis must be completed prior to the initiation of the ~~IPEIWRP~~ (89 Ill. Adm. Code 572) unless the ~~IPEIWRP~~ developed for the customer includes only those services exempt from financial participation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation ~~that~~which will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family ~~earned and unearned~~ income, subtracting the SBA for a family the size of the customer's family, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be ~~divided by two multiplied by 40%~~ to determine the amount of required customer financial participation, if any.
- d) The customer and/or ~~customer's~~his/her family will also be asked, as part of the completion of the Financial Analysis, ~~for, what, if any,~~ voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer and/or the customer's family to cooperate in the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DHS-ORS to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer and/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DHS-ORS and may result in DHS-ORS taking legal action to recoup monies previously expended by DHS-ORS in providing services to the customer.

(Source: Amended at 27 Ill. Reg. 12588, effective July 21, 2003)

Section 562.90 Impact of Review of Financial Analysis

All changes indicated as a result of the completed Financial Analysis shall be effective from the date of the new Financial Analysis regardless of whether an increase or decrease in customer

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~~client~~ financial participation is indicated.

(Source: Amended at 27 Ill. Reg. 12588, effective July 21, 2003)

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Section 562.APPENDIX A Standard Budget Allowances

The Standard Budget ~~Allowances~~ Allowance (SBAs) are as follows:

Family Size	Annual Allowance
1	\$ 35,421 30,062
2	\$ 46,300 39,311
3	\$ 57,218 48,561
4	\$ 68,117 57,811
5	\$ 79,016 67,061
6	\$ 89,914 76,311
7	\$ 91,958 78,045
8	\$ 94,001 79,779
9	\$ 96,045 81,514
10	\$ 98,088 83,248
11	\$ 100,132 84,982
12	\$ 102,176 86,717

For families with more than 12 members, \$~~2044~~1734 is added for each additional member over 12.

(Source: Amended at 27 Ill. Reg 12588, effective July 21, 2003)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Numbers: Adopted Action:
567.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).
- 5) Effective Date of Amendment(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___X___ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:
April 18, 2003, 27 Ill. Reg. 6529
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____
 - B) Agency Response: _____, _____ Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version:
In the AUTHORITY, changed "Sections" to "Section".
In the SOURCE, after "to" added "the".
In Section 567.20 (b) and (c), struck "DHS/ORS" and added "DHS-ORS".
In Section 567.20(d), struck "which" and added "that".

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In Section 567.20(d), struck "reduce" and added "reduces" and struck "that service(s)" and added "those services".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this (these) amendment(s) replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
------------------------	------------------------	-----------------------------------

- | | |
|-----|---|
| 15) | <u>Summary and Purpose of Amendment(s):</u> This rulemaking clarifies language regarding comparable benefits. This rulemaking also adds language pertaining to the Free Application for Federal Student Aid (FAFSA) and scholarship and awards. |
| 16) | <u>Information and questions regarding this (these) adopted amendment(s) shall be directed to:</u>

<div style="margin-left: 40px;"> Name: Tracie Drew
 Address: 100 South Grand Ave. East
 Springfield, IL 62762
 Telephone: (217) 785-9772 </div> |
| 17) | <u>Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]</u>
no |

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 567
COMPARABLE BENEFITS

Section	
567.10	General Applicability
567.20	Definition of Comparable Benefits
567.30	Exceptions to Comparable Benefits
567.100	Refusal of Comparable Benefits

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendments at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17733, effective November 27, 2000; amended at 27 Ill. Reg. 12598, effective July 21, 2003.

Section 567.20 Definition of Comparable Benefits

- a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572) that, when provided to DHS-ORS customers by a public or private agency or agencies other than DHS-ORS, offset costs which would otherwise be paid by DHS-ORS or the customer.
- b) When a customer is requesting DHS-ORS~~DHS-ORS~~ to cover training related services, except for those services that are exempt from financial participation (89

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Ill. Adm. Code 562.30) in an institution of higher education ~~for post-secondary education~~, the customer shall make formal application for federal assistance by completing the Free Application for Federal Student Aid (FAFSA) and provide proof (or denial) of financial award and the amount of the award before the customer's IPE ~~for post-secondary training~~ can be implemented. An IPE for service to prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (89 Ill. Adm. Code 567.100).

- c) Customers requesting medical services or physical restoration services, or who are requesting long term training (training expected to last in excess of 24 months) shall apply for Medicaid benefits. Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS-ORS ~~DHS/ORS~~.
- d) Private monetary merit awards, contributions and gifts ~~that~~ which are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that ~~shall be considered as a comparable benefit to reduce~~ reduce the customer's need for those services ~~that service(s)~~ from DHS-ORS. Scholarships and awards given in recognition of an individual's excellence, outstanding achievement, or superior ability and that are not designated for specific purposes do not constitute comparable benefits ~~Unrestricted monetary merit awards, contributions and gifts shall not be considered as an available resource by DHS-ORS and may be used by the customer however he/she wishes.~~
- e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 27 Ill. Reg. 12598, effective July 21, 2003)

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- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:

590.45	Amendment
590.60	Amendment
590.270	Amendment
590.340	Repealed
590.380	Amendment
590.390	Repealed
590.410	Amendment
590.660	Amendment
590.670	Amendment
590.675	Repealed
590.680	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- 5) Effective Date of Amendment(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___X___ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:
April 18, 2003, ___27___ Ill. Reg. _6533____
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____

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B) Agency Response: _____, _____ Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version:

In TOC 590.410, Struck "DHS" and added "DHS-ORS"

In TOC 590.500-580, added "(Repealed)" after each section.

In TOC 590.540, added "/Aids" after "Equipment".

In TOC 590.680, Struck "to Basic Needs Level".

In SOURCE, after "Reg." Changed "01275" to "11275", and deleted "s" after amendment.

In SOURCE, added "the" after "from", and after "to".

In SOURCE, changed "22" to "23".

In SOURCE, added "emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days".

In SOURCE, added "emergency expired on November 27, 2000;"

In Section 590.60, after "provide" added "the" and struck through it, and after "services" added "specified in".

In Section 590.60(a)(2), after "Act" struck through "of 1987".

In 590.60(a)(4), uncapitalized "Worker" and added "the" after "under".

In 590.60(c)(3)(B) changed "providing" to "provide".

In 590.270(a)(1), broke out 1) and made (A).

In 590.270(a)(1), broke out 2) and made (B).

In 590.270(a)(1), deleted ")" at the end of the sentence.

In 590.270(a)(2), added "subsection" before "(a)" and deleted "above".

In 590.270(a)(2), changed "subpart" to "subsection" and deleted "above".

In 590.270(b)(2), deleted "above" after "(b)(1)".

In Section 590.410 header, added "-ORS" after "DHS".

In Section 590.410(b), deleted the "s" after "customers".

In Section 590.410(b)(2), added "-ORS" after "DHS".

In Section 590.410(c)(1) and (2), removed ".00" after the "\$7000 and \$6000".

In Section 590.410(c)(2), added "-ORS" after "DHS".

In Section 590.660, insert and strike the following text to reflect language currently on file:

For the purpose of this Subpart, the following term shall have the following meanings.

Additional Costs - increased basic living costs incurred by a customer as a direct result of his/her participation in an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572). This includes any decrease in income

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caused by participation in an IWRP.

Basic Living Costs- the minimum amount Living Costs of money needed by an individual to maintain a standard of living that allows the individual to subsist in an environment which does not put the individual at undue risk to health and safety. These needs include, but are not limited to, housing, food, clothing, utilities (e.g., electricity, natural gas, water and sewer charges, and local telephone service), personal hygiene products, and on-going medical care.

Basic living costs do not include expenses for items such as cosmetics, cable television, automobile loan payment, automobile insurance, consumer debt, entertainment, long distance telephone charges, or costs associated with an individual's choice of living arrangements.

In Section 590.670 added old text that was inadvertently left out and struck through as follows:

- a) The MONTHLY CUSTOMER MAINTENANCE WORKSHEET (IL 488-0692) must be used to determine the need for maintenance and the dollar amount, if any, DHS-ORS may pay to cover additional basic living costs.
- b) Maintenance, as defined in Section 590.660, shall be provided to a customer to cover the additional costs incurred as a result of participation in the services and activities necessary to overcome the impediment to employment in line with the provisions of Section 590.680 and as listed in the IWRP (89 Ill. Adm. Code 572).
- c) To determine the amount of maintenance which DHS-ORS can provide to an individual, DHS-ORS shall subtract the individual's actual cost for basic needs prior to beginning VR services from the anticipated cost for basic needs while participating in VR services. This amount, less any required customer financial participation towards maintenance (Section 590.675) shall be the amount of maintenance for which an individual is eligible.
- d) To establish the anticipated cost for basic needs for an individual while participating in VR services, DHS-ORS shall:
 - 1) use the lowest cost for living expenses published by the facility the individual will be attending if there is a published cost; or
 - 2) if such a cost is not published, require a full documented listing of these costs, prepared and agreed to by the customer and counselor. The costs

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used for this listing must be from documentable sources and of a nature which would be relied upon by a reasonably prudent individual in the conduct of his/her affairs.

- e) Pursuant to DHS-ORS rules in Section 590.40, the client may choose his/her living arrangement, but DHS-ORS , in the calculation of maintenance, shall use the lowest cost determined by the counselor as adequate and necessary to meet the customer's basic needs.

In Section 590.680, added "-" between "DHS and ORS".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this (these) amendment(s) replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
------------------------	------------------------	-----------------------------------

- 15) Summary and Purpose of Amendment(s): This rulemaking is being proposed to clarify language, adds a new section on DHS-ORS Bidding procedures and repeals 3 different sections on Bidding requirements and the Determination of Client Financial Participation in Maintenance.
- 16) Information and questions regarding this (these) adopted amendment(s) shall be directed to:
- | | |
|------------|--|
| Name: | Tracie Drew |
| Address: | 100 South Grand Ave. East
Springfield, IL 62762 |
| Telephone: | (217) 785-9772 |
- 17) Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]
no

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 590
SERVICESSUBPART A: GENERAL ISSUES ~~APPLICABILITY~~

Section	
590.10	General Applicability
590.20	Availability of Services
590.30	Effect of Financial Status on Services
590.35	Effect of Comparable Benefits
590.40	Choice of Service Providers
<u>590.45</u>	<u>DHS-ORS Bidding Procedure</u>

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section	
590.50	Provision of Services
590.60	Qualification of Medical and Psychological Service Providers
590.70	Treatment of Acute Conditions
590.80	Medication and Treatment
590.90	Hearing Aids
590.100	Binaural Hearing Aids
590.110	Speech and Language Services
590.120	Low Vision Devices
590.130	Mental Restoration Services
590.140	Heart Surgeries
590.150	Kidney Transplant and Related Services
590.160	Chiropractic Services
590.170	Prosthetic and Orthotic Devices
590.180	Wheelchairs
590.190	Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section	
590.200	Provision of Services

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590.210	Qualification of Training Facilities/Institutions
590.220	Purpose and Types of Training
590.230	Financial Guidelines for Training Services
590.240	Graduate School Training
590.250	Choice of Training Facility/Institution
590.260	Summer School
590.270	Grades
590.280	Health Status
590.290	On-the-Job Training
590.300	Default on Educational Loans

SUBPART D: SELF EMPLOYMENT PROGRAM

Section	
590.310	Provision of Services
590.315	Eligibility
590.320	Self-Employment Program
590.330	Ineligible Costs
590.340	Bidding Requirements (<u>Repealed</u>)
590.350	Recovery of Tools, Equipment, Supplies and Initial Stock
590.360	Transfer of Title
590.370	Limitation of Financial Participation (<u>Repealed</u>)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section	
590.375	Provision of Services
590.380	Vendor Requirements
590.390	Bidding Requirements (<u>Repealed</u>)
590.400	Vehicle Adaptation
590.410	DHS-ORS DHS Financial Participation in Van Adaptation
590.420	Environmental Modification
590.430	Written Agreements for Environmental Modification
590.440	Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section	
590.450	Provision of Services
590.460	Types of Services
590.470	Services

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- 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

- 590.500 Provision of Services (Repealed)
 590.510 Definitions (Repealed)
 590.520 Purpose of Equipment Loans (Repealed)
 590.530 Criteria for Loan of Equipment/Aids (Repealed)
 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
 590.550 Duration of Loans (Repealed)
 590.560 Maintenance and Return of Equipment/Aids (Repealed)
 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
 590.580 Limitations on Available Equipment/Aids (Repealed)

SUBPART H: OTHER SERVICES

Section

- 590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

- 590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: INCREASED COSTS~~MAINTENANCE~~

Section

- 590.650 Provision of Services
 590.660 Increased Costs ~~Definitions~~
 590.670 Determination of the Need for Increased Costs~~Maintenance~~
 590.675 Determination of Client Financial Participation in Maintenance (Repealed)
 590.680 Exceptions to ~~Basic Needs Level~~

SUBPART K: POST-EMPLOYMENT SERVICES

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Section

590.700 Provision of Services

590.710 Definitions

590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services

590.740 Definitions

590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days; emergency expired on November 27, 2000; amended at 24 Ill. Reg. 13687, effective August 23, 2000; amended at 24 Ill. Reg. 18561, effective November 30, 2000; amended at 25 Ill. Reg. 4568, effective April 1, 2001; amended at 27 Ill. Reg. 12602, effective July 21, 2003.

SUBPART A: GENERAL ISSUES APPLICABILITYSection 590.45 DHS-ORS Bidding Procedure

- a) Counselors may purchase items necessary to support a customer's IPE that cost less than \$1000 without obtaining bids.
- b) Counselors may purchase, with proper approval, items costing more than \$1000

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after pursuing three bids. If the item is available from fewer than 3 sources, the maximum number of bids shall be sought. All bidding activities should be documented by the counselor. A bid is an attempt to receive a purchase price. The process used shall give all providers an adequate opportunity to respond and include a due date.

- c) The lowest bid received shall be selected in each case unless there are documented reasons to reject the lowest bid. Should the customer choose another bidder and there are no documented reasons for not selecting the lowest bid, the customer shall pay the difference between the bids in addition to other customer financial participation, if any.

(Source: Added at 27 Ill. Reg. 12602, effective July 21, 2003).

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section 590.60 Qualification of Medical and Psychological Service Providers

To be qualified to provide the services specified in Section 590.40 of Part, the following shall apply:

- a) for providing services to individuals with mental or physical disabilities, the individual service providers must be:
- 1) a physician, surgeon (i.e., doctor of medicine, psychiatry or osteopathy), or chiropractor licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60];
 - 2) a licensed registered professional nurse licensed pursuant to the ~~Illinois~~ Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65];
 - 3) a therapist or physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987 [225 ILCS 95];
 - 4) a psychologist licensed to practice under the Clinical Psychologist Licensing Act [225 ILCS 15] or a social worker licensed to practice under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or a professional counselor licensed to practice under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 10] or a marriage and family counselor licensed to practice under the Marriage and Family Therapy Licensing Act [225 ILCS 55] by the Illinois

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Department of Professional Regulation or, for customers receiving secondary educational services, a psychologist certified by the Illinois State Board of Education. Psychological testing or evaluation performed by an individual who does not meet the criteria above but who has the appropriate training and skill to administer such testing and evaluation may be accepted if cosigned by an individual holding the credentials listed above;

- 5) an optometrist licensed pursuant to Optometric ~~Practice~~Licensing Act [225 ILCS 80]; or
 - 6) podiatrists licensed pursuant to the Podiatric Medical Practice Act of 1987 [225 ILCS 100].
- b) Hospitals used to provide services to customers under this Part must be approved by the Joint Commission on Accreditation of Hospitals.
- c) In order to provide hearing and hearing aid evaluations under Section 590.90 – Hearing Aids, the evaluator must:
- 1) be licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act (Audiology Act) [225 ILCS 110];
 - 2) meet the requirements set forth in the Hearing ~~Instrument~~Aid Consumer Protection Act (Hearing Aid Act) [225 ILCS 50]; or
 - 3) if not approved as of the effective date of this Part, be approved by the Manager, Division of Services for Persons who are Deaf or Hard of Hearing, or his/her designee. This approval shall be based on the evaluator's ability to:
 - A) conduct testing in an acoustically treated booth;
 - B) ensure a maximum ambient noise level at or below the standards established by the American National Standards Institute (ANSI 3.1-1977); and
 - C) ~~provide~~ providing testing with both ear phones and in a sound field (any test environment in which auditory stimuli are presented via a calibrated audiometer through one or more loudspeakers).

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- d) Speech and language pathologists must be approved by American Speech and Hearing Association (ASHA) and have a Certificate of Clinical Competence (CCC) in Speech Pathology.
- e) Hospital surgical teams providing heart surgery (Section 590.140) must perform at least 100 such operations per year as documented by the hospital in which the services will be performed.
- f) Prosthetic/orthotic device vendors must be certified by the American Board of Certification in Orthotics and Prosthetics, Inc., or by the National Association of Retail Druggists.

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.270 Grades

- a) Grades
 - 1) DHS-ORS will sponsor a customer in ~~an educational training program~~ as long as the customer meets each part of the following two part test:
 - A) maintains a cumulative "C" grade point average (GPA) (e.g., 2.0 on a 4.0 point system or 3.0 on a 5.0 system) at each grading period (e.g., semester, quarter or term); and
 - B) ~~also~~ maintains a sufficient cumulative GPA to meet graduation requirements in his/her major field of study. If the customer does not have a major field of study, the customer meets this second test by maintaining a sufficient cumulative GPA to meet graduation requirements.
 - 2) If at any time a customer's cumulative GPA fails to meet either part of the two part test in subsection (a)(1), falls below a "C" average or below the cumulative GPA necessary to meet graduation requirements, DHS-ORS will only continue to sponsor the customer for one additional grading period, regardless of when taken, providing the customer and counselor agree continued educational training is appropriate. DHS-ORS must give notice to the customer of this additional grading period sponsorship as soon as it learns of the customer's GPA deficiency. This notice may come

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after the start of the additional grading period. At the completion of the additional grading period, the customer must meet each of the two tests in subsection (a)(1). ORS may continue vocational rehabilitation services but will discontinue paid sponsorship of the educational training until the customer has removed deficiencies without ORS paid sponsorship.
~~cumulative GPA shall be a "C" average, or at the cumulative GPA level needed to meet graduation requirements.~~

- 3) If the customer fails a course that DHS-ORS paid for, the customer will be required to pay for that course if taken again.
 - 4) Changing or dropping courses during a term requires documented pre-approval from the DHS-ORS counselor. If a customer drops a course or withdraws without pre-approval, the course shall not be paid for by DHS-ORS if retaken.
- b) Attendance
- 1) DHS-ORS shall sponsor a customer for no more than the equivalent of three academic years to obtain an Associate's degree or reach junior standing and up to the equivalent of three additional academic years to complete a Bachelor's degree.
 - 2) Exceptions to subsection (b)(1) ~~above~~ may be granted, by the Bureau Chief, if there are extenuating circumstances relating to the customer's disability, or personal and/or financial situation.

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

SUBPART D: SELF EMPLOYMENT PROGRAM

Section 590.340 Bidding Requirements (Repealed)

- a) ~~For the purchase of any tools, equipment, supplies and initial stock, under this Subpart, DHS-ORS shall obtain three or more competitive bids from qualified vendors for any purchase which exceeds \$1,000 unless the counselor, with input from the customer, can document that the items to be purchased are available from fewer than 3 sources. In such case the number of bids attainable shall be sought.~~
- b) ~~The lowest bid received shall be selected in each case unless there are~~

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~~documented reasons to reject the lowest bid or the client chooses another bidder and pays the difference between the bids. Documentation to reject the lowest bid shall include, but not be limited to, poor past service from the vendor submitting the lowest bid, the inaccessibility of the vendor for service and repair, or the need to avoid delays in obtaining the items when the lowest bidder indicates delivery of the items may be prolonged.~~

(Source: Repealed at 27 Ill. Reg. 12602, effective July 21, 2003).

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section 590.380 Vendor Requirements

All vendors providing vehicle or environmental modifications under this Subpart shall provide DHS-ORS with a certificate of insurance verifying liability coverage with a minimum of ~~\$1,000,000~~500,000.

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

Section 590.390 Bidding Requirements (Repealed)

~~In the purchase of vehicle conversion or environmental modification, DHS-ORS shall:~~

- ~~a) follow its bidding procedures as required by 44 Ill. Adm. Code 1175; and~~
- ~~b) obtain three or more competitive bids from qualified vendors for any purchase which exceeds \$500.00 unless the counselor, with input from the client, can document that the item(s) to be purchased is (are) available from fewer than 3 sources. In such instances the number of bids attainable shall be sought.~~

(Source: Repealed at 27 Ill. Reg. 12602, effective July 21, 2003).

Section 590.410 DHS-ORS Financial Participation in Van Adaptation

- a) DHS-ORS shall not participate in the purchase of any vehicle nor the purchase of the adaptive equipment ~~that~~which has been installed in a vehicle prior to the purchase of the vehicle by the customer, without approval of the appropriate Bureau Chief~~client~~.
- b) A one time unusual allowable expense, to reduce customer~~client~~ financial participation, is available (see 89 Ill. Adm. Code 562) for the purchase of a ~~full-~~

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size (e.g., 1/2, 3/4 or 1 ton) van for transportation if the van is required for incidental ~~to the customer to meet the~~ client's employment goal and if:

- 1) due to the nature of the customer's ~~client's~~ disability, he/she is unable to use an automobile, whether modified or not, or make use of public transportation;
 - 2) DHS-ORS agrees, as evidenced by the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100), that the purchase of the adaptive equipment is essential for the customer's ~~client's~~ use of the vehicle;
 - 3) the van is purchased by, and title is held in the name of, the customer ~~client~~, the customer's ~~client's~~ spouse, or the customer's ~~client's~~ parent;
 - 4) the van is purchased in the same calendar year as the adaptive equipment.
- c) When it is determined the customer ~~client~~ is eligible for the unusual allowable expense, it shall be calculated as follows:
- 1) \$7,000 shall be deducted from the price the customer ~~client~~ paid for the van; and
 - 2) the customer ~~client~~ may claim the remainder of the purchase price, up to \$6,000, as the one time unusual allowable expense to determine his/her financial eligibility for DHS-ORS assistance (see 89 Ill. Adm. Code 562).
- d) DHS-ORS shall not participate in any cost associated with the removal, replacement, repainting, relocation or restoration of such items as cabinets, beds, appliances, etc. associated with the cost of adapting an individual client's van. Neither shall DHS-ORS pay for any costs associated with the adaptation of a vehicle that are required due to the inappropriateness of the vehicle to meet the client's needs.
- e) DHS-ORS financial participation for the conversion of a mini-van (less than a full-sized van (Section 89 Ill. Adm. Code 590.380(b)) shall not exceed that which is reasonable and customary to adapt a full-sized van. Such a determination shall be based on DHS-ORS records regarding previous van conversions and information received from the vendor and/or evaluator.

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- f) When a used vehicle is to be adapted, the vehicle must have an expected useful life of at least 5 years when considering the condition and mileage of the vehicle prior to adaptation. Condition of the van shall be verified by at least one reputable mechanic/adaptor. Any repairs determined necessary as a result of the ~~evaluations~~ ~~evaluation(s)~~ by the mechanic/adaptor shall be made, at the expense of the client, prior to the time DHS-ORS will participate in the cost of adaptation.
- g) Any vehicle, new or used, to be adapted by DHS-ORS must be equipped with all necessary factory-installed options so that the vehicle may be modified, using non-standard equipment, at the least possible cost.
- h) The client is expected to insure and properly maintain any vehicle in which DHS-ORS has participated in the adaptation. Manufacturers' specifications are to be followed in terms of proper care and maintenance.
- i) All clients considering vehicle adaptation should consult with DHS-ORS staff prior to the purchase of any vehicle to ensure the vehicle's adaptability prior to purchase of the vehicle and to ensure DHS-ORS will, if the client is eligible and vehicle adaptation is an appropriate service for the client, participate in the adaptation of the specific vehicle, pursuant to the provisions of this Subpart.

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

SUBPART J: INCREASED COSTS ~~MAINTENANCE~~Section 590.660 Increased Costs ~~Definitions~~

Increased costs are expenses such as food, shelter and clothing, that are in excess of the customer's normal living expenses and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation services under an IPE. Normal living expenses shall not be paid by DHS-ORS. DHS-ORS shall only pay for increased costs. Minimum normal living expense for shelter and food are established as the DHS TANF allowance for shelter for one adult and the DHS Food Stamp Benefit for a Family or One or the actual normal living expenses prior to service whichever is greater. DHS-ORS shall pay for these increased costs in the manner spelled out in this Subpart.

For the purpose of this Subpart, the following term shall have the following meanings:

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- ~~Additional Costs— increased basic living costs incurred by a customer as a direct result of his/her participation in an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572). This includes any decrease in income caused by participation in an IWRP.~~
- ~~Basic— the minimum amount Living Costs of money needed by an individual to maintain a standard of living that allows the individual to subsist in an environment which does not put the individual at undue risk to health and safety. These needs include, but are not limited to, housing, food, clothing, utilities (e.g., electricity, natural gas, water and sewer charges, and local telephone service), personal hygiene products, and on going medical care.~~
- ~~Basic living costs do not include expenses for items such as cosmetics, cable television, automobile loan payment, automobile insurance, consumer debt, entertainment, long distance telephone charges, or costs associated with an individual's choice of living arrangements.~~
- ~~Maintenance— Monies paid to a customer to cover additional basic living costs, as defined above.~~

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

Section 590.670 Determination of the Need for Increased Costs Maintenancea) One Time Expenses

Payments for one time increased costs shall be made as needed. These would include the purchase of clothing, when the customer's employment requires special attire, or for a customer's job interview, or for training if the teacher or institution requires special clothing for a course.

b) Short Term Increased Costs

Short term financial support for increased costs resulting from the customer's having to leave his/her home to receive services shall be provided using the State per diem and lodging rates. Short term shall mean any period of less than 4 weeks.

c) Long Term Increased Costs

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Any service that requires a customer to relocate and to have additional living expenses for services such as food and/or shelter that will exceed 4 weeks may make the customer eligible to receive monetary support for increased costs. The customer shall receive funds for these increased costs as follows:

1) Shelter

Shelter shall be paid when it meets the standards of increased costs. The increased cost of shelter shall be figured using the appropriate institution of higher education's published cost of housing and subtracting either the DHS TANF allowance for shelter for an adult or the actual shelter expense before the service began, whichever is greater. If there is no published cost, the actual cost of shelter before the service began or the TANF amount for shelter, whichever is greater, will be subtracted from the cost of a median one bedroom apartment in the area of service provision. If the customer relocates for VR services, but must pay shelter cost for self or dependent family in the customer's home community or elects to live in an apartment instead of utilizing housing of the educational facility, the increased cost is either the lesser of:

- A) the published housing cost of the institution of higher education; or
- B) the cost of a median one bedroom apartment in the area of service provision.

2) Food

The increased cost of food may be paid when the institution of higher education being attended by the customer is included in the IPE and offers food service. The increased cost of food shall be figured using the facility's minimum cost basic seven or five day meal plan, whichever is appropriate for the customer. The customer's actual food cost before service or the amount established as the Food Stamp Benefit for a family of one shall be subtracted from the cost of the basic meal plan whichever is greater. The difference shall be the customer's monthly increased cost for food. If the customer chooses not to use the facility's food service or there is no food service at the facility, there is no increased cost.

- ~~a) The MONTHLY CUSTOMER MAINTENANCE WORKSHEET (IL 488-0692) must be used to determine the need for maintenance and the dollar amount, if any, DHS ORS may pay to cover additional basic living costs.~~

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- b) ~~Maintenance, as defined in Section 590.660, shall be provided to a customer to cover the additional costs incurred as a result of participation in the services and activities necessary to overcome the impediment to employment in line with the provisions of Section 590.680 and as listed in the IWRP (89 Ill. Adm. Code 572).~~
- c) ~~To determine the amount of maintenance which DHS-ORS can provide to an individual, DHS-ORS shall subtract the individual's actual cost for basic needs prior to beginning VR services from the anticipated cost for basic needs while participating in VR services. This amount, less any required customer financial participation towards maintenance (Section 590.675) shall be the amount of maintenance for which an individual is eligible.~~
- d) ~~To establish the anticipated cost for basic needs for an individual while participating in VR services, DHS-ORS shall:~~
- 1) ~~use the lowest cost for living expenses published by the facility the individual will be attending if there is a published cost; or~~
 - 2) ~~if such a cost is not published, require a full documented listing of these costs, prepared and agreed to by the customer and counselor. The costs used for this listing must be from documentable sources and of a nature which would be relied upon by a reasonably prudent individual in the conduct of his/her affairs.~~
- e) ~~Pursuant to DHS-ORS rules in Section 590.40, the client may choose his/her living arrangement, but DHS-ORS, in the calculation of maintenance, shall use the lowest cost determined by the counselor as adequate and necessary to meet the customer's basic needs.~~

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

Section 590.675 Determination of Client Financial Participation in Maintenance (Repealed)

~~After Additional Costs are determined, all client income that can reasonably be expected to be used towards basic needs (e.g., SSI, SSDI, wages and earnings, unrestricted financial aid) shall be deducted from the gross monthly maintenance amount to determine the amount payable by DHS-ORS as maintenance.~~

(Source: Repealed at 27 Ill. Reg. 12602, effective July 21, 2003).

Section 590.680 Exceptions to Basic Needs Level

Exceptions to this Subpart shall be granted by the appropriate Bureau Chief of DHS-ORS.

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Requests for exceptions must be in writing and explain and justify increased costs above those established by this Part.

- a) ~~If, because of exceptional circumstances or the client's disability, a client cannot be expected to exist on the amount determined for basic needs, a client's maintenance may be increased to the minimum level determined necessary for him/her to exist.~~
- b) ~~Such an increase may only be granted with supervisory approval and then only when the counselor, with assistance from the client, can fully document why the client cannot be expected to exist on the amount determined necessary to meet basic needs and when all costs over and above this amount are clearly identified and documented in the client's case file.~~

(Source: Amended at 27 Ill. Reg. 12602, effective July 21, 2003).

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Closure of a Rehabilitation Case
- 2) Code Citation: 89 Ill. Adm. Code 595
- 3) Section Numbers: Adopted Action:
595.10 New Rule
595.20 New Rule
595.30 New Rule
595.40 New Rule
595.50 New Rule
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Rule(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___X___ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:
April 18, 2003, 27 Ill. Reg. 6548
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____
 - B) Agency Response: _____, _____ Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version:
In TOC 595.40 capitalized "who".

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- In the AUTHORITY: changed "Sections" to "Section".
 In the SOURCE: changed "Added" to "Adopted".
 In 595.10 c) deleted "" before "Appeals and added "()".
 In 595.10 d)1) added "(CAP)" at the end of the sentence.
 In 595.10 d)1) added "a notice" after "include".
 In 595.10 d)2) changed "of" to "to".
 In 595.10 d)4) deleted "such" before "requests" and added "for mediation or impartial hearing" before "may".
 In 595.10 d)4) changed the ";" with ".".
 In 595.30c) added "," before "the" and changed ";" to ":".
 In 595.30c)2) deleted the "," and added "and".
 In 595.30c)2) added "," before "and".
 In 595.30c)2) deleted ";" after "action", made "See" lower case, and added ";" at the end of the line.
 In 595.30c)4) added "," after "review".
 In 595.40a)2) changed "." to ";;".
 In 595.40c) changed "DHS/ORS" to "DHS-ORS".
 In 595.50, at the end of each outcome changed ";" to ".".
 In 595.50c) added "," after "customer".
 In 595.50c) added "- " between "Time limited".
 In 595.50e) capitalized "worker"
 In 595.50e) deleted "; or" and added "."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will these Rules replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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- 15) Summary and Purpose of Amendment(s): This rulemaking replace an existing rule 89 Ill. Adm. Code 617. The proposed language clarifies procedures necessary to close a rehabilitation case.
- 16) Information and questions regarding this (these) adopted rules shall be directed to:

Name: Tracie Drew
 Address: 100 South Grand Ave. East
 Springfield, IL 62762

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Telephone: (217) 785-9772

- 17) Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]
no

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

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NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 595

CLOSURE OF A REHABILITATION CASE

Section

595.10	General Applicability
595.20	Closure Prior to Determination of Eligibility
595.30	Non-Rehabilitation Closure
595.40	Closure of a Customer Who has Achieved the Employment Outcome of the IPE
595.50	Employment Outcomes

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 27 Ill. Reg. 12621, effective July 21, 2003.

Section 595.10 General Applicability

- a) Rules contained within this Part are applicable to all closures of customers' cases in the DHS-ORS Vocational Rehabilitation (VR) program.
- b) Closure of a customer's case shall be done:
 - 1) any time in the VR process when the counselor has determined the appropriate standards of this Part have been met; or
 - 2) any time in the process at the customer's request.
- c) An applicant or customer who is dissatisfied with any determination made by the counselor under this Part may request a timely review of the determination. The process of such review shall follow 89 Ill. Adm. Code 510 (Appeals and Hearings).
- d) At the time of case closure, the customer shall be provided a written notice of the following rights:
 - 1) The availability of and information on how to contact the Client Assistance Program (CAP). This information shall include a notice that

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CAP may provide assistance during any appeal or mediation.

- 2) The customer's right to an impartial hearing and to pursue mediation of the issue.
- 3) Information on how a mediator or impartial hearing officer will be selected.
- 4) The name and address of the individual with whom requests for mediation or impartial hearing may be filed.

Section 595.20 Closure Prior to Determination of Eligibility

An applicant's case may be closed, prior to making an eligibility determination, if the individual declines to participate or is unable to complete an assessment for determining eligibility and priority for services. DHS-ORS shall make a reasonable number of attempts to contact the applicant or the applicant's representative to encourage participation.

Section 595.30 Non-Rehabilitation Closure

A customer's case may be closed any time the counselor has determined that any of the following are present:

- a) the customer has refused services or further services or has failed to cooperate;
- b) the customer cannot be located, is otherwise unavailable for services for an extended period of time, or has died;
- c) the applicant or customer is determined ineligible. When ineligibility is determined, the counselor shall:
 - 1) provide an opportunity for full consultation with the individual;
 - 2) inform the individual, in writing and by other means appropriate to the customer, of the individual's ineligibility determination and the reasons for the determination, and inform the individual to file an appeal if the individual is dissatisfied with the action (see Section 595.10);
 - 3) refer the individual to other training or employment related programs that are part of the service delivery system under the Workforce Investment Act; and

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- 4) review, within 12 months and annually thereafter, if requested by the individual, any ineligibility determination made after a period of trial work that the individual is incapable of achieving an employment outcome. This review need not be completed when the individual has refused it, is no longer living in Illinois or the individual's whereabouts are unknown, or the medical condition is rapidly progressing or terminal.

Section 595.40 Closure of a Customer Who has Achieved the Employment Outcome of the IPE

A determination that the customer has achieved an employment outcome must meet all the following criteria:

- a) The customer has achieved the employment outcome described in the customer's IPE and the employment outcome is:
 - 1) consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices; and
 - 2) in the most integrated setting possible, consistent with the customer's informed choice;
- b) The customer has maintained the employment outcome for an appropriate period of time, not less than 90 days, necessary to ensure the stability of the employment outcome after closure, and no longer needs VR services;
- c) At the end of this appropriate period, the customer and the qualified rehabilitation counselor employed by DHS-ORS consider the employment outcome to be satisfactory and agree that the customer is performing well on the job; and
- d) The customer is informed of the availability of post-employment services.

Section 595.50 Employment Outcomes

The following may be considered as employment outcomes for a VR customer:

- a) Competitive Employment.
- b) Business Enterprise Program for the Blind.
- c) Supported Employment. Closure in supported employment is an employment outcome when the supported employment is competitive work in an integrated

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setting and the compensation is based on a rate at least equal to the minimum wage with applicable benefits. The customer, because of the nature and severity of the disabilities, needs intensive, time-limited support services from DHS-ORS and extended services after transition to ongoing support services. Time-limited support services shall be provided for no longer than 18 months from the initial date of placement unless special circumstances exist and the customer and counselor agree extension of this time period is necessary for the customer to achieve the employment outcome.

- d) Homemaker. Closure as a homemaker is an employment outcome when the VR services provided related directly to the customer performing or supervising housework required in the home.
- e) Family Worker. Closure as an unpaid family worker is an employment outcome when the VR services provided to the customer are directly related to the customer performing work activities in the particular business.
- f) Any other type of employment, including self-employment, telecommuting or business ownership, that is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Closure
- 2) Code Citation: 89 Ill. Adm. Code 617
- 3) Section Numbers: Adopted Action

617.10	Repealed
617.20	Repealed
617.30	Repealed
617.40	Repealed
617.50	Repealed
617.60	Repealed
617.70	Repealed
617.80	Repealed
617.90	Repealed
617.100	Repealed
617.110	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) Effective Date of Amendment(s): July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? ___ Yes ___X___ No If so, please specify date: _____
- 7) Does this (these) amendment(s) contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposed Published in the Illinois Register:

April 18, 2003, 27 Ill. Reg. 6554
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, _____ Ill. Reg. _____

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

B) Agency Response: _____, _____ Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version:
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes
- 13) Will this (these) amendment(s) replace an emergency rule currently in effect? no
- 14) Are there any amendments pending on this Part? no

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Amendment(s): This rulemaking is being repealed and replaced 89 Ill. Adm. Code 595
- 16) Information and questions regarding this (these) adopted amendment(s) shall be directed to:
- Name: Tracie Drew
Address: 100 South Grand Ave. East
 Springfield, IL 62762
Telephone: (217) 785-9772
- 17) Does this (rule/amendment/repealer) require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25]
no

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.70 Amendment
130.135 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- 5) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 4, 2003, 27 Ill. Reg. 5704
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Changes were non-substantial and were made to correct grammar, spelling and punctuation errors.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language stating that the deposit at Pere Marquette will be retained until a complete inspection is made of the facilities. If damages warrant, this deposit will not be refunded. The fees for day use of the group camps at Dixon Springs and Pere Marquette were changed from \$45 to \$50. Section 130.135 was amended to update the Department's address.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Jonathan Furr, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section

130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definition of a Camp
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003.

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:
 - 1) Spring-Summer Camping (May 1 through September 30)
 - A) Class AA Sites: Camping fee of \$12 per night per site, \$3 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
 - B) Class A Sites: Camping fee of \$8 per night per site, \$3 utility fee. Sites having availability to showers, electricity and vehicular access.
 - C) Class B-E Sites: Camping fee of \$7 per night per site, \$3 utility fee. Sites having availability to electricity and vehicular access.
 - D) Class B-S Sites: Camping fee of \$8 per night per site. Sites having availability to showers and vehicular access.
 - E) Class C Sites: Camping fee of \$7 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
 - F) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
 - G) Youth Group Camping: \$1 per person, minimum daily camping fee of \$10.

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- H) Adult Group Camping: \$2 per person, minimum daily camping fee of \$20.
- I) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs, a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit~~be credited to the total camping fee.~~ Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be \$50 ~~\$45~~ per day.
- J) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the fee for the Class A Campsite.

Rent-A-Camp Tent at Class A Sites:

\$8 or \$12 plus \$3 utility fee and \$8 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.

- K) Rent-A-Camp Cabin areas will provide, at an additional fee of \$24 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee of \$24 per night in addition to the fee for the class of the camping site on which the Rent-A-Camp Cabins are located.

Rent-A-Camp Cabins at Class A Sites:

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\$24 cabin rental plus \$3 utility fee and \$8 camping fee per night, per site at all sites having availability to showers and vehicular access.

- L) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made for individual campsite reservations.

The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the \$5 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent campsites.

- 2) Fall-Winter Camping (October 1 through April 30)
- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
- B) When cold weather requires closing down buildings and shutting off water in Class AA, A or B-S campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
- C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

- 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.

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- 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
- 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
 - A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.
 - B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.
 - C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate

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document issued by the Illinois Department of Veterans' Affairs
(see 20 ILCS 2805/5).

(Source: Amended at 27 Ill. Reg. 12630, effective July 21, 2003)

Section 130.135 Campground Host Program

- a) Purpose of host – The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.
- b) Pertinent information and qualifications
 - 1) The Department will compensate hosts \$1 per day for the days hosts work, and will provide free camping privileges while performing duties in the campground.
 - 2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.
 - 3) A host shall have camping experience.
 - 4) A host shall serve for a minimum of 4 weeks.
 - 5) Illinois residents will be given first priority for host positions.
 - 6) A host shall have a valid driver's license.
 - 7) A host shall be at least 21 years of age.
 - 8) A host shall be available in the park to assist visitors 35 hours per week, usually over a 5 day period. Weekends and holidays are mandatory days for duty in the program.
 - 9) A host shall be on duty and work during all kinds of weather.
- c) Location of host campgrounds
 - 1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.
 - 2) A current listing of designated host campground sites will be provided

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with the application.

d) Number of hosts per park

An individual or couple may act as hosts. Most parks have one campsite designated and a few larger parks may have more campsites.

e) Duties and responsibilities of a host

- 1) A host shall be a visible representative of the Department with knowledge of rules and regulations.
- 2) A host shall be informed about the park setting and activities available in the area.
- 3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.
- 4) A host shall be observant for activities within the campground that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)
- 5) A host shall replenish restroom supplies when the park staff are not present.
- 6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.

f) How to apply

- 1) Interested persons may obtain a campground host application from a Department office or write:

Illinois Department of Natural Resources, Campground Host Coordinator,
One Natural Resources Way, Springfield IL 62702-1271-524 South
~~Second Street, Lincoln Tower Plaza Building, Springfield, Illinois 62701-1787.~~

- 2) Interested persons may complete the application and return it to the above address.

g) When to apply

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- 1) Applications are accepted year round and filled as positions open. If a position is open, applicants will be contacted for an interview.
 - 2) Recruitment for the summer season occurs from March to June.
- h) Hiring campground host and/or hostess
- 1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suitable candidates for this position.
 - 2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicants shall include, but not be limited to, the following:
 - A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.
 - B) Previous experience in maintenance and report work.
 - C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.

(Source: Amended at 27 Ill. Reg. 12630, effective July 21, 2003)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
690.10	Amendment
690.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 11, 2003, 27 Ill. Reg. 6041
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Changes were non-substantial and were made to correct grammar, spelling and punctuation errors.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update season dates, allow for the use of .17 caliber rifles and update sites open for hunting.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jonathan Furr, General Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section

690.10	Hunting Seasons
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003.

Section 690.10 Hunting Seasons

Season dates: August 1 through January 20 ~~December 31~~ (except closed during firearm deer seasons, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting). Hunting outside the set season dates is a petty offense (see 520 ILCS 5/2.28).

(Source: Amended at 27 Ill. Reg. 12640, effective July 21, 2003)

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Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).
- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

Apple River Canyon State Park – Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

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Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Falling Down Prairie (2)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

Hanover Bluff State Natural Area—~~Kopper Tract~~ (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (~~1~~)

Shawnee National Forest – Oakwood Bottoms (non-toxic shot only) (1)

Sielbeck Forest Natural Area (1) (2)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

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

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

DEPARTMENT OF NATURAL RESOURCES

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Weinberg-King State Park (1) (2)

Weinberg-King State Park (Cecil White Unit)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens after second firearm deer season) (2)

- e) Season dates shall be the day following Labor Day through the end of the statewide season at the following sites:

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (2)

Giant City State Park (Union County only) (1)(2)

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

- f) Season dates shall be the day after Labor Day through September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges

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at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters)
(1)

Clinton Lake State Recreation Area – North Fork Management Area, North of the
County Road at the North Fork Boat Ramp and handicapped upland game area (1)

Coffeen Lake State Fish and Wildlife Area (statewide opening through September
30)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder
rifles prohibited until October 1) (1)

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

Hurricane Creek Habitat Area (season closes October 31)

Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and
Controlled Unit close October 31) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville – Eagle Creek State Park (closes opening day of site's pheasant
season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1)

Middle Fork Fish and Wildlife Area (season opens day after Labor Day)

Momence Wetlands (season opens day after Labor Day; closes September 30;
shotgun only, non-toxic shot only)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

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Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sandy Ford Land and Water Reserve (permits available at Starved Rock State Park; season closes September 30) (2)

Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorn Unit (statewide opening through September 30) (archery only October 1 through end of season) (1) (2)

Siloam Springs State Park – Scripps Unit (statewide opening through September 30) (archery only October 1 through end of season) (1) (2)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Beaver Dam State Park (2)

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

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Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit – statewide closing; non-toxic shot only) (1)

(Source: Amended at 27 Ill. Reg. 12640, effective July 21, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
715.10	Amendment
715.20	Amendment
715.40	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) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 2, 2003, 27 Ill. Reg. 7529
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Changes were not substantial and were made to correct grammar and punctuation errors.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking does not affect units of local government.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

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Jonathan Furr, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).
- b) Open Counties

OPEN COUNTIES

Adams
Alexander

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Brown
Calhoun
Carroll
Cass
Clark
Crawford
Fulton
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Knox
Lawrence
Macoupin
Madison
Marion
Mason
McDonough
Mercer
Monroe
Morgan
Perry
Pike
Pope
Randolph
Richland
Rock Island
Saline
Schuyler
Scott
Stephenson
Union
Wayne
Whiteside
Williamson
Winnebago

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

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(Source: Amended at 27 Ill. Reg. 12650, effective July 21, 2003)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits must be mailed to:
- Illinois Department of Natural Resources – Turkey
Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19446
Springfield IL 62794-9446
- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given

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preference for permits allocated in the second lottery drawing.

- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second permits. Hunters may obtain a maximum of two permits for the fall gun season.
- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will ~~shall~~ be made.
- g) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 27 Ill. Reg. 12650, effective July 21, 2003)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)
Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)
Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
Mississippi River Pools 16, 17, 18
Mississippi River Pools 21, 22, 24
Nauvoo State Park (Max Rowe Unit only)
Rend Lake Project Lands (portion in Jefferson County only)
Weinberg-King State Park (Cecil White Unit)

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

Argyle Lake State Park
Big River State Forest
Cache River State Natural Area (Johnson County portion only)
Cypress Pond State Natural Area
Dog Island Wildlife Management Area
Falling Down Prairie
Ferne Clyffe State Park
Fort de Chartres Historic Site (muzzleloading shotguns only)
Giant City State Park
Hanover Bluff – Kopper Tract
I-24 Wildlife Management Area
Kinkaid Lake Fish and Wildlife Area
Pere Marquette State Park (only that portion of site south of Graham Hollow Road)
Ray Norbut State Fish and Wildlife Area
Saline County Conservation Area
Siloam Springs State Park
Siloam Springs State Park – Buckhorn Unit (resident hunters only; site permit required)
Tapley Woods State Natural Area
Trail of Tears State Forest
Turkey Bluffs State Fish and Wildlife Area
Union County Conservation Area – Firing Line Management Unit Only
Weinburg-King State Park

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units
Jim Edgar Panther Creek State Fish and Wildlife Area
Sam Parr State Park
Sand Ridge State Forest
Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt

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will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 27 Ill. Reg. 12650, effective July 21, 2003)

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- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Numbers: 720.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 2, 2003, 27 Ill. Reg. 7538
- 10) Has JCAR issued a Statement of Objections 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 agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update the list of sites open for fall archery turkey hunting.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jonathan Furr, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

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

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003.

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

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require

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hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)
- Chauncey Marsh (permit available at Red Hills State Park) (2)
- Clinton Lake State Recreation Area (2)
- Crawford County Conservation Area (1)
- Cypress Pond State Natural Area (1)
- Dixon Springs State Park (1)
- Dog Island Wildlife Management Area (1)
- Eagle Creek State Park (2)

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Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

Fort Massac State Park (1)

* Franklin Creek State Park (hunting in designated area only) (1)

Giant City State Park (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Hanover Bluff – Kopper Tract (1)

Harry "Babe" Woodyard State Natural Area (2)

* Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units
(Madison County) (2)

I-24 Wildlife Management Area (1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's
pheasant permit season) (1)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (2)

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Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1)

* Matthiessen State Park (hunting in designated areas only; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season; during the statewide firearm deer seasons, hunters must meet orange clothing requirements) (1)(2)

Mautino State Fish and Wildlife Area (2)

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

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

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Nauvoo State Park (Max Rowe Unit only)

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

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Pyramid State Park – East Conant Unit (2)

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

* Red Hills State Park (1)

* Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

* Sandy Ford (permits available at Starved Rock State Park) (1)(2)

Sanganois State Fish and Wildlife Area (2)

* Shabbona Lake State Park (1)

Shelbyville Lake – Corps of Engineers Managed Lands

Shelbyville Wildlife Management Area (2)

Sielbeck Forest Natural Area (1)

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1)(2)

Siloam Springs State Park – Scripps Unit (resident hunters only) (1)(2)

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

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Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season)

* Washington County Conservation Area (1)

~~Weinberg~~Weinburg-King State Park

Weinberg-King State Park (Cecil White Unit)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 27 Ill. Reg. 12658, effective July 21, 2003)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) Section Numbers: 730.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendments: July 21, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 2, 2003, 27 Ill. Reg. 7547
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Changes were not substantial and were made to correct spelling, grammar and punctuation errors.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update sites open for hunting and to update site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jonathan Furr, General Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section

730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)

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

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 03, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

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

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- b) General Regulations
- 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:
 - Anderson Lake Conservation Area
 - Banner Marsh State Fish and Wildlife Area
 - Big Bend State Fish and Wildlife Area (#)
 - Cache River State Natural Area
 - Carlyle Lake Wildlife Management Area (subimpoundments only)
 - Chain O'Lakes State Park
 - Eldon Hazlet State Park
 - Fulton County Goose Management Area
 - Green River State Wildlife Area
 - Hennepin Canal Parkway State Park
 - Horseshoe Lake Conservation Area (Alexander County)
 - Horseshoe Lake State Park (Madison County) (#)
 - Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (#)
 - Johnson-Sauk Trail State Park
 - Jubilee College State Park
 - Kaskaskia River State Fish and Wildlife Area (designated areas)
 - Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)
 - Mackinaw River State Fish and Wildlife Area
 - Mautino State Fish and Wildlife Area
 - Mississippi River State Fish and Wildlife Area (Pools 25 and 26)
 - Mt. Vernon Game Propagation Center (hunting hours are 12 noon to 5:00 p.m.) (#)
 - Peabody River King State Fish and Wildlife Area
 - Pyramid State Park – Captain Unit
 - Pyramid State Park – Denmark Unit
 - Pyramid State Park – Galum Unit
 - Rend Lake Project Lands and Waters
 - Sand Prairie Pheasant Habitat Area
 - Sanganois State Fish and Wildlife Area
 - Sangchris Lake State Park
 - Shabbona Lake State Park

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~~Snakeden Snake Den~~-Hollow State Fish and Wildlife Area
 Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area on
 the Eads and Belle Rive Units)
 Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)
~~Bradford Pheasant Habitat Area (permit required)~~
 Cache River State Natural Area (#)
 Campbell Pond Wildlife Management Area (#)
 Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)
 Chauncey Marsh (permit required; may be obtained at Red Hills State
 Park headquarters; permits must be returned by 15 February)
 Cypress Pond State Natural Area (#)
 Dog Island Wildlife Management Area (#)
 East Conant Field (permit required; must be returned by February 15)
 Ferne Clyffe State Park (#)
 Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)
 Ft. Massac State Park (#)
 Freeman Mine (permit required)
 Horseshoe Lake Conservation Area (season closes at the end of the first
 statewide split season) (#)
Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein,
Chouteau Island Unit (site permit required)
~~Manito Pheasant Habitat Area (permit required)~~
 Marshall State Fish and Wildlife Area (#)

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Mazonia State Fish and Wildlife Area (season closes September 30) (#)
 Mississippi River Pools 16, 17 and 18
 Mississippi River Pools 21, 22, 24
 Oakford Conservation Area
 Red Hills State Park (#)
 Rend Lake Project Lands and Waters (#)
 Sand Ridge State Forest (#)
 Sangamon County Conservation Area
 Sielbeck Forest Natural Area (#)
 Tapley Woods State Natural Area (#)
 Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)
 Trail of Tears State Forest (#)
 Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)
 Fulton County Goose Management Area (#)
 Hennepin Canal State Park (#)
 Iroquois County Wildlife Management Area (#)
~~Johnson-Sauk Johnson-Sauk~~ Trail State Park (#)
 Mattheissen State Park (#)
 Mautino State Fish and Wildlife Area (#)
 Morrison Rockwood State Park (#)
 Sanganois State Fish and Wildlife Area
~~Snakeden Snake Den~~ Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area (#)
~~Victoria Pheasant Habitat Area~~ (#)

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)
 Big Bend State Fish and Wildlife Area
 Big River State Forest (#)
 Carlyle Lake Wildlife Management Area (#)
 Chain O'Lakes State Park (closes September 5) (#)
 Clinton Lake State Recreation Area (dove management fields only) (#)
 Eldon Hazlet State Park (closes October 14) (#)

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Fox Ridge State Park (dove management fields only)
Harry "Babe" Woodyard State Natural Area (permit required) (#)
Hidden Springs State Forest (dove management fields only)
Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)
Kinkaid State Fish and Wildlife Area (#)
Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)
Marseilles State Fish and Wildlife Area (~~after~~ After-Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)
Middle Fork State Fish and Wildlife Area (dove management fields only) (#)
Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)
Moraine View State Park (dove management fields only; season closes October 14) (#)
Newton Lake Fish and Wildlife Area (dove management units) (#)
Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)
Pyramid State Park (all hunters must wear DNR backpatch in dove management fields only) (#) (4)
Pyramid State Park – Captain Unit (all hunters must wear DNR backpatch in dove management fields only; permit required; permit must be returned by February 15) (4)
Pyramid State Park – Denmark Unit (all hunters must wear DNR backpatch in dove management fields only; permit required; permit must be returned by February 15) (4)
Pyramid State Park – East Conant Unit (all hunters must wear DNR backpatch in dove management field only; permit required; permit must be returned by February 15) (4)
Pyramid State Park – Galum Unit (all hunters must wear DNR backpatch in dove management fields only; permit required; permit must be returned by February 15) (4)
Randolph County State Conservation Area (#)
Ray Norbut State Fish and Wildlife Area (#)
Siloam Spring State Park (site permit required) (#)
Turkey Bluffs State Fish and Wildlife Area (#)
Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)
Washington County Conservation Area (closes October 14) (#)
Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

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Crawford County State Fish and Wildlife Area (#)
 Hamilton County State Fish and Wildlife Area (#)
 I-24 Wildlife Management Area (#)
 Lake Le Aqua Na State Park (#)
 Mermet Lake State Fish and Wildlife Area (#)
~~Mt. Vernon Game Propagation Center (#)~~
 Saline County State Fish and Wildlife Area (#)
 Sam Dale Lake Conservation Area (#)
 Sam Parr State Park (#)
 Stephen A. Forbes State Park (season opens day after Labor Day) (#)
 Jubilee College State Park (#)
 Shabbona Lake State Park (#)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)
 Horseshoe Lake Conservation Area (Alexander County) (#)
 Saline County State Fish and Wildlife Area (#)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)
 Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)
 Hidden Springs State Forest (except dove management fields)
 Kickapoo State Park
 Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)
 Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)
 Middle Fork State Fish and Wildlife Area (except dove management units)
 Moraine View State Park (except dove management fields; season closes October 14)
 Newton Lake Fish and Wildlife Area (except dove management units)
Snakeden Hollow State Fish and Wildlife Area

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- i) Permit Areas
 - 1) Permit Season Regulations
 - A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.
 - B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.
 - C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
 - D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection (h)(3).
 - E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
 - F) All hunters must wear a DNR issued backpatch.
 - 2) Non-Permit Season Regulations
 - A) Non-permit season shall be September 6-30 except as indicated in parentheses.

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- B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.
- C) No permits are required except as indicated in parentheses.
- D) Check in and check out is required except as indicated in parentheses.
- E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Jim Edgar Panther Creek State Fish and Wildlife Area (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.; each permit authorizes the holder to bring one hunting partner)

Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

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Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

- j) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 27 Ill. Reg. 12666, effective July 21, 2003)

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NOTICE OF ADOPTED AMENDMENT

Jonathan Furr, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

1515.10	General Provisions
1515.20	Eligibility Requirements
1515.30	Enrollment Process
1515.40	Exceptions to Enrollment Process
1515.50	Payments
1515.60	Violation
1515.EXHIBIT A	Map of Eligible Area in Illinois River Watershed

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003.

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments
 - 1) Permanent Easements
 - A) The payment to a landowner for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of any Federal incentive payments) times 15 years times 30 percent

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times number of acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.

- B) If the landowner elects a permanent easement option, additional non-cropped acres or acres in another CRP sign-up may be offered for the permanent easement. The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment for permanent easements, using the soil types on the additional acres. The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement, but will receive no CREP State cost-share payment for any practice established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. The criteria for a permanent easement on additional acres are:
- i) riparian acres: 100 year floodplain of the Illinois River and its tributaries within the targeted eligible area;
 - ii) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner);
 - iii) acres have an $EI \geq 12$ and need to be enrolled to meet the 20 acre minimum for permanent easements;
 - iv) acres have an $EI \geq 12$ and have been approved by IDNR because of location and relationship with the remainder of enrollment; and
 - v) acres must already be in acceptable practices based on soil types and wildlife benefits or the landowner must be willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR

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field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign up) offered for permanent easement.

2) 15 Year Contract Supplement

The payment to a landowner for a 15 year contract supplement will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

3) 35 Year Contract Supplement

The payment to a landowner for a 35 year contract supplement will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

b) Cost-Share Payments

Landowners who enter the State incentive program will also receive cost-share payments for the installation of CREP approved practices based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.
- 2) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, or wetlands farmed under natural conditions will receive reimbursement at a 40 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.

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- 3) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined on the basis of erodibility (weighted average Erodibility Index, $EI \geq 12$) will not receive State CREP cost-share reimbursement for CREP practice implementation. Landowners may receive reimbursement from other sources.
 - 4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CREP cost-share payment for any practice established on these acres. If applicable, the landowner may use another Federal and/or State cost share program to implement acceptable practices on these acres.
- c) Mechanics of Payment
- 1) For executed contract supplements and permanent easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.
 - 2) The county SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA form AD-862 and completed USDA form AD-245.
 - 3) If required, the county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs. If written approval from IDNR is not obtained for a survey on a 15 year or 35 year contract supplement, the county SWCD will not be reimbursed for any survey costs. Attorney fees incurred for county SWCD responsibilities, as described in Attachment B of the Contract Agreement between IDNR and the SWCD, are not eligible for reimbursement by the State. Detailed attorney billing statements must be submitted with vouchers.
 - 4) No individual, or the combined maximum of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 27 Ill. Reg. 12677, effective July 21, 2003)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
703.205	Amend
703.208	Amend
703.221	Amend
703.232	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 17, 2003
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

No. No documents are themselves incorporated by reference in Part 703. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. Part 703 includes references to documents incorporated by reference. One of those documents incorporated by reference is updated in the larger R03-18 proceeding of which the amendments to Part 703 are a single segment.

- 8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register:

April 18, 2003, 27 Ill. Reg. 6580
- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on

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Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board's opinion and order of June 5, 2003 in docket R03-18 summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 20, 2003, in docket R03-18, and those adopted by an order dated June 5, 2003. Some of the differences are explained in greater detail in the Board's opinion and order of June 5, 2003 adopting the amendments.

There are no substantive differences between the adopted and proposed versions of the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 18, 2003 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of June 5, 2003 in docket R03-18, as indicated in item 11 above. The table in the opinion and order indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the June 5, 2003 opinion and order in docket R03-18 for additional details on the JCAR suggestions and the Board actions with regard to each.

13) Will these amendments replace emergency amendments currently in effect? No.

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

15) Summary and purpose of amendments:

The following briefly describes the subjects and issues involved in the larger rulemaking of which the amendments to Part 703 are a single segment. Also affected are 35 Ill. Adm. Code 720, 721, 726, and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of March 20, 2003, proposing amendments in docket R03-18 for public

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NOTICE OF ADOPTED AMENDMENTS

comment, which opinion and order is available from the address below. As is explained in that opinion, the Board received public comment on the proposed amendments for 45 days from the date they appeared in the Illinois Register before proceeding to adopt amendments based on the proposal.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R03-18	Federal RCRA Subtitle C amendments that occurred during the period July 1, 2002 through December 31, 2002.
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The R03-18 docket amends rules in Parts 703, 720, 721, 726, and 728. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

July 24, 2002 (67 Fed. Reg. 48393)	USEPA adopted an exclusion from the definition of solid waste of certain secondary materials used to make zinc fertilizers.
October 7, 2002 (67 Fed. Reg. 62618)	USEPA adopted a direct final rule that grants a national treatability variance from the land disposal restrictions for radioactively contaminated cadmium-, mercury-, and silver-containing batteries.
December 19, 2002 (67 Fed. Reg. 77687)	USEPA adopted minor corrections to the September 30, 1999 hazardous waste combustion rule and July 3, 2001, February 13, 2002, and February 14, 2002 amendments to that rule.
December 26, 2002 (67 Fed. Reg. 78718)	USEPA adopted a direct final rule that conditionally exempts used cathode ray tubes (CRTs) and glass from CRTs from the definition of solid waste. This action was limited to CRTs in USEPA Region III, so that USEPA could study extending this action nationally.

The Board does not need to take action based on one set of these federal RCRA Subtitle C amendments. USEPA withdrew its action of December 26, 2002 on February 24, 2003 (68 Fed. Reg. 8553) in response to adverse public comments. Further the federal action of December 26, 2002 related only to CRTs generated and managed outside Illinois.

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In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved. The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

October 23, 2002 (67 Fed. Reg. 65220)	USEPA updated the various methods used for analysis of contaminants in wastewater and drinking water. This included amendments to the methods of 40 C.F.R. 136.
October 29, 2002 (67 Fed. Reg. 65876)	USEPA updated the Method 1631 for analysis of mercury in water. This included amendments to the method in 40 C.F.R. 136.

Thus, the Board is acting in this R03-18 docket on the following USEPA amendments:

July 24, 2002 (67 Fed. Reg. 48393)	Exclusion of certain secondary materials used to make zinc fertilizers from the definition of solid waste.
October 7, 2002 (67 Fed. Reg. 62618)	National treatability variance for radioactively contaminated cadmium-, mercury-, and silver-containing batteries.
October 23, 2002 (67 Fed. Reg. 65220)	Updated methods for analysis of contaminants in wastewater and drinking water.
October 29, 2002 (67 Fed. Reg. 65876)	Updated the method for analysis of mercury in water.
December 19, 2002 (67 Fed. Reg. 77687)	Minor corrections to the hazardous waste combustion rule.

Specifically, the amendments to Part 703 implement segments of the federal December 19, 2002 corrections to the hazardous waste combustor rule. The amendments to part 703 also incorporate a small number of non-substantive corrections to the text of the rules.

Tables appear in the Board's opinion and order of June 5, 2003 in docket R03-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2003 opinion and order in docket R03-18.

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Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-18 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 5, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITSPART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.110	References

SUBPART B: PROHIBITIONS

Section	
703.120	Prohibitions in General
703.121	RCRA Permits
703.122	Specific Inclusions in Permit Program
703.123	Specific Exclusions from Permit Program
703.124	Discharges of Hazardous Waste
703.125	Reapplications
703.126	Initial Applications
703.127	Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	
703.140	Purpose and Scope
703.141	Permits by Rule
703.150	Application by Existing HWM Facilities and Interim Status Qualifications
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status
703.156	Interim Status Standards
703.157	Grounds for Termination of Interim Status

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703.158	Permits for Less Than an Entire Facility
703.159	Closure by Removal
703.160	Procedures for Closure Determination
703.161	Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

Section	
703.180	Applications in General
703.181	Contents of Part A
703.182	Contents of Part B
703.183	General Information
703.184	Facility Location Information
703.185	Groundwater Protection Information
703.186	Exposure Information
703.187	Solid Waste Management Units
703.188	Other Information
703.191	Public Participation: Pre-Application Public Notice and Meeting
703.192	Public Participation: Public Notice of Application
703.193	Public Participation: Information Repository
703.200	Specific Part B Application Information
703.201	Containers
703.202	Tank Systems
703.203	Surface Impoundments
703.204	Waste Piles
703.205	Incinerators that Burn Hazardous Waste
703.206	Land Treatment
703.207	Landfills
703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
703.209	Miscellaneous Units
703.210	Process Vents
703.211	Equipment
703.212	Drip Pads
703.213	Air Emission Controls for Tanks, Surface Impoundments, and Containers
703.214	Post-Closure Care Permits

SUBPART E: SHORT TERM AND PHASED PERMITS

Section	
703.220	Emergency Permits

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703.221	Alternative Compliance with the Federal NESHAPS
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits
703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234	Remedial Action Plans

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section	
703.240	Permit Denial
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes (Repealed)
703.245	Twenty-four Hour Reporting
703.246	Reporting Requirements
703.247	Anticipated Noncompliance
703.248	Information Repository

SUBPART G: CHANGES TO PERMITS

Section	
703.260	Transfer
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- 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events
- 703.Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19,

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1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003.

SUBPART D: APPLICATIONS

Section 703.205 Incinerators that Burn Hazardous Waste

For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) of this Section provide otherwise, the applicant must fulfill the requirements of subsection (a), (b), or (c) of this Section in completing the Part B application.

- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the following requirements:
 - 1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;
 - 2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone;
 - 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or
 - 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123(a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone.
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq.
- c) In lieu of a trial burn, the applicant may submit the following information:

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- 1) An analysis of each waste or mixture of wastes to be burned including the following:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable) or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111, or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111; and
 - E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;
- 2) A detailed engineering description of the incinerator, including the following:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;

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- C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff systems;
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials; and
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) of this Section. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns, including the following:
- A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
 - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and

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- C) The certification and results required by subsection (b) of this Section;
- 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:
 - A) Expected carbon monoxide (CO) level in the stack exhaust gas;
 - B) Waste feed rate;
 - C) Combustion zone temperature;
 - D) Indication of combustion gas velocity;
 - E) Expected stack gas volume, flow rate, and temperature;
 - F) Computed residence time for waste in the combustion zone;
 - G) Expected hydrochloric acid removal efficiency;
 - H) Expected fugitive emissions and their control procedures; and
 - I) Proposed waste feed cut-off limits based on the identified significant operating parameters;
 - 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)]; and
 - 8) Waste analysis data, including that submitted in subsection (c)(1) of this Section, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.
- d) The Agency must approve a permit application without a trial burn if it finds the following:
 - 1) The wastes are sufficiently similar; and

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- 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.
- e) When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of 40 CFR 63, subpart EEE), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(ab)(2).

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE.

BOARD NOTE: Derived from 40 CFR 270.19 (2002), as amended at 67 Fed. Reg. 77687 (December 19, 2002).

(Source: Amended at 27 Ill. Reg. 12683, effective July 17, 2003).

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of 40 CFR 63, subpart EEE), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup,

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shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) Trial burns.
 - 1) General. Except as provided below, an owner or operator that is subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.
 - A) Under subsections (a)(2) through (a)(5) of this Section and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
 - B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) of this Section.
 - 2) Waiver of trial burn of DRE (destruction removal efficiency).
 - A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.
 - B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator must submit the following:
 - i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).

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- ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii) of this Section using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) of this Section using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) of this Section quantified in conformance with subsection (a)(2)(B)(iv) of this Section does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726 or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726 is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.

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- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit the following:
 - A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
 - C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;
 - D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use, as provided by 35 Ill. Adm. Code 726.206(b)(3) through (5);
 - E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;
 - F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and
 - G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- 4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) of this Section.

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- 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:
 - A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;
 - C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;
 - D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);
 - E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;
 - F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and
 - G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar

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conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:

- A) For a waiver from any trial burn, the following:
 - i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).
 - B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721 that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.
- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. An owner or operator of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) must submit the following information at a minimum:

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- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
 - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
 - 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;
 - 4) Trial burn plan to do the following:
 - A) ~~Demonstrate~~ To demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations do not exceed the baseline HC (and CO) level; and
 - B) ~~Identify~~ To identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are emitted when burning hazardous waste;
 - 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
 - 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).

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- d) Automatic waste feed cutoff system. An owner or operator must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- e) Direct transfer. An owner or operator that uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
- f) Residues. An owner or operator that claims that its residues are excluded from regulation under the provisions of 35 Ill. Adm. Code 726.212 must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (2002), as amended at 67 Fed. Reg. 77687 (December 19, 2002).

(Source: Amended at 27 Ill. Reg. 12683, effective July 17, 2003).

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of 40 CFR 63, subpart EEE), the requirements of Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (2002), as amended at 67 Fed. Reg. 77687 (December 19, 2002).

(Source: Amended at 27 Ill. Reg. 12683, effective July 17, 2003).

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Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of 40 CFR 63, subpart EEE), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) General. The owner or operator of a new boiler or industrial furnace (one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) is subject to subsections (b) through (f) of this Section. A boiler or industrial furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 is subject to subsection (g) of this Section.
- b) Permit operating periods for a new boiler or industrial furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Sections 703.280 through 703.283.
 - A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204

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through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202 (e).

- B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.
- 3) Post-trial burn period.
- A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
 - B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).
 - C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the

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performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

- 4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 through 703.283.
- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).
- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:
 - A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and
 - B) Viscosity or description of the physical form of the feed stream.
 - 2) An analysis of each hazardous waste, as fired, including the following:
 - A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;

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- B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; and
 - C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- 3) A detailed engineering description of the boiler or industrial furnace, including the following:
- A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;
 - F) Description of automatic hazardous waste feed cutoff systems;
 - G) Description of any pollution control system; and
 - H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under

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subsection (b)(2) of this Section.

- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
 - 7) A description of and planned operating conditions for any emission control equipment that will be used.
 - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
 - 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency must approve a trial burn plan if the Agency finds as follows:
 - A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;
 - B) That the trial burn itself will not present an imminent hazard to human health and the environment;
 - C) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
 - D) That the information sought in the trial burn cannot reasonably be developed through other means.
 - 3) The Agency must send a notice to all persons on the facility mailing list,

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as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
- B) This notice must contain the following:
 - i) The name and telephone number of applicant's contact person;
 - ii) The name and telephone number of the Agency regional office appropriate for the facility;
 - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - iv) An expected time period for commencement and completion of the trial burn.
- 4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency must, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous

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waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for listing.

- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:
- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
 - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a), the following determinations:
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
 - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
 - 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
 - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass

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emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;

- 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
 - 6) An identification of sources of fugitive emissions and their means of control;
 - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and
 - 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.
- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace which is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan, and the time periods

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during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2002), as amended at 67 Fed. Reg. 77687 (December 19, 2002).

(Source: Amended at 27 Ill. Reg. 12683, effective July 17, 2003).

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- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
720.101	Amend
720.103	Amend
720.110	Amend
720.111	Amend
720.120	Amend
720.121	Amend
720.122	Amend
720.123	Amend
720.132	Amend
720.133	Amend
720.140	Amend
720.141	Amend
720.Appendix A	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) Effective date of amendments: July 17, 2003
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

Yes. Section 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. In this proceeding the Board is updating the version of 40 C.F.R. 63 incorporated by reference to include the federal amendments of December 19, 2002 and the version of 40 C.F.R. 136 to include the federal amendments of October 23, 2002 and October 29, 2002. The amendments further remove the incorporation of 40 CFR 268.41 (1990) and "Petitions to Delist Hazardous Wastes — A Guidance Manual, Second Edition," and add the incorporation of "EPA RCRA Delisting Program-Guidance Manual for the Petitioner"; "Samplers and Sampling Procedures for Hazardous Waste Streams"; and ASTM methods D140-70, D346-75, D420-69, D1452-65, and D2234-76. The documents "Samplers and Sampling Procedures for Hazardous Waste Streams" and ASTM methods D140-70, D346-75, D420-69, D1452-65, and D2234-76 are referenced in Appendix I to 40 C.F.R. 261. The accompanying amendments to 35 Ill. Adm. Code 261 replace the incorporation of Appendix I to 40 C.F.R. 261 with the text of

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that federal provision, including the newly-incorporated documents.

8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

April 18, 2003, 27 Ill. Reg. 6612

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

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board's opinion and order of June 5, 2003 in docket R03-18 summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 20, 2003, in docket R03-18, and those adopted by an order dated June 5, 2003. Some of the differences are explained in greater detail in the Board's opinion and order of June 5, 2003 adopting the amendments.

There are no substantive differences between the adopted and proposed versions of the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 18, 2003 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR.

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The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of June 5, 2003 in docket R03-18, as indicated in item 11 above. The table in the opinion and order indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the June 5, 2003 opinion and order in docket R03-18 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 720 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 721, 726, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking appears in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 20, 2003, proposing amendments in docket R03-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board received public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on the proposal.

Specifically, the amendments to Part 720 implement segments of the federal October 23, 2002 and October 29, 2002 updates to the Clean Water Act methods for analysis of contaminants in water and waste. The amendments also incorporate elements of the December 19, 2002 corrections to the hazardous waste combustor rule. In addition to the federally driven amendments, the amendments to Part 720 incorporate a number of non-substantive corrections to the text of the rules.

Tables appear in the Board's opinion and order of June 5, 2003 in docket R03-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2003 opinion and order in docket R03-18.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

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this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-18 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 5, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.140	Additional regulation <u>Regulation of certain hazardous waste</u> Certain Hazardous Waste Recycling Activities on a case-by-case <u>Case-by-Case Basis</u>
720.141	Procedures for case-by-case regulation <u>Case-by-Case Regulation of hazardous waste</u> Hazardous Waste Recycling Activities

720.Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

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SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003.

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

- a) This Part provides definitions of terms, general standards, and overview information applicable to 35 Ill. Adm. Code 720 through ~~725~~, 726, 728, 733, and 739.

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- b) In this Part:
- 1) Section 720.102 sets forth the rules that the Board and the Agency will use in making information it receives available to the public and sets forth the requirements that a generator, transporter, or owner or operator of a treatment, storage, or disposal facility must follow to assert claims of business confidentiality with respect to information that is submitted to the Board or the Agency under 35 Ill. Adm. Code 720 through 725 and 728.
 - 2) Section 720.103 establishes rules of grammatical construction for 35 Ill. Adm. Code 720 through ~~725, 726, 728, 733, and 739.~~
 - 3) Section 720.110 defines terms ~~which that~~ are used in 35 Ill. Adm. Code 720 through ~~725, 726, 728, 733, and 739.~~

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.103 Use of Number and Gender

As used in 35 Ill. Adm. Code 720 through ~~725-726, and~~ 728, 733, and 739:

- a) Words in the masculine gender also include the feminine and neuter genders;
- b) Words in the singular include the plural; and
- c) Words in the plural include the singular.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through ~~726, and~~ 728, 733, and 739 only, the following terms have the meanings given below:

“Aboveground tank” means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

~~“Act” or “RCRA” means the Solid Waste Disposal Act, as amended by the Resource~~

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~~Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.)~~

“Active life” of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

“Active portion” means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also “closed portion” and “inactive portion.”)

“Administrator” means the Administrator of the United States Environmental Protection Agency or the Administrator’s designee.

“Agency” means the Illinois Environmental Protection Agency.

“Ancillary equipment” means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

“Aquifer” means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

“Authorized representative” means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

“Battery” means a device ~~consisting that consists~~ of one or more electrically connected electrochemical cells ~~that which~~ is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Board” means the Illinois Pollution Control Board.

“Boiler” means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler physical characteristics.

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The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one ~~which~~ that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

“Carbon regeneration unit” means any enclosed thermal treatment device used to regenerate spent activated carbon.

“Certification” means a statement of professional opinion based upon knowledge and belief.

“Closed portion” means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also “active portion” and “inactive portion.”)

“Component” means either the tank or ancillary equipment of a tank system.

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“Confined aquifer” means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Containment building” means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Subpart DD of 35 Ill. Adm. Code 724, ~~Subpart DD~~ and Subpart DD of 35 Ill. Adm. Code 725, ~~Subpart DD~~.

“Contingency plan” means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

“Corrosion expert” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

“Designated facility” means a hazardous waste treatment, storage, or disposal facility,

Of which any of the following is true:

The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 ~~(1999)~~ (2002);

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 ~~(1999)~~ (2002); or

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266, ~~Subpart F~~; and

The facility has been designated on the manifest by the generator pursuant to 35

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Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

“Dike” means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

“Dioxins and furans” or “D/F” means tetra-, ~~penta~~ penta-, ~~hexa~~ hexa-, ~~hepta~~ hepta-, and octa-chlorinated dibenzo dioxins and furans.

“Director” means the Director of the Illinois Environmental Protection Agency.

“Discharge” or “hazardous waste discharge” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

“Drip pad” means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.

“Elementary neutralization unit” means a device of which the following is true:

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~~Is~~ It is used for neutralizing wastes ~~which that~~ are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or which are listed in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~ only for this reason; and

~~Meets~~ It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

“EPA hazardous waste number” or “USEPA hazardous waste number” means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~ and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~.

“EPA identification number” or “USEPA identification number” means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

“EPA region” or “USEPA region” means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

Region VII: Nebraska, Kansas, Missouri, and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

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Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

“Equivalent method” means any testing or analytical method approved by the Board pursuant to Section 720.120.

“Existing hazardous waste management (HWM) facility” or “existing facility” means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

“Existing portion” means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

“Existing tank system” or “existing component” means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

“Explosives or munitions emergency” means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an

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actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

“Explosives or munitions emergency response” means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

“Explosives or munitions emergency response specialist” means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

“Facility” means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the

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site is located within such a facility.

“Federal agency” means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

“Federal, State, and local approvals or permits necessary to begin physical construction” means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

“Final closure” means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

“Food-chain crops” means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

“Freeboard” means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

“Free liquids” means liquids ~~which~~ that readily separate from the solid portion of a waste under ambient temperature and pressure.

“Generator” means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

“Groundwater” means water below the land surface in a zone of saturation.

“Hazardous waste” means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

“Hazardous waste constituent” means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, ~~Subpart D~~, or a constituent listed in 35 Ill. Adm. Code 721.124.

“Hazardous waste management unit” is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment

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system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

“Inactive portion” means that portion of a facility ~~which~~that is not operated after November 19, 1980. (See also “active portion” and “closed portion.”)

“Incinerator” means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and ~~it neither~~ both of the following are true of the facility:

~~Meets~~ The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

~~Is~~ The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

“Incompatible waste” means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 725~~Appendix E~~ for examples.)

“Industrial furnace” means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

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Blast furnaces;

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

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Other relevant factors.

“Individual generation site” means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

“Infrared incinerator” means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

“Inground tank” means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

“In operation” refers to a facility that is treating, storing, or disposing of hazardous waste.

“Injection well” means a well into which fluids are being injected. (See also “underground injection.”)

“Inner liner” means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

“Installation inspector” means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

“International shipment” means the transportation of hazardous waste into or out of the jurisdiction of the United States.

“Lamp” or “universal waste lamp” means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or ~~infra-red~~ infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, ~~high-pressure~~ high-pressure sodium, and metal halide lamps.

“Land treatment facility” means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

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“Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

“Landfill cell” means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

“LDS” means leak detection system.

“Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

“Liner” means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

“Leak-detection system” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

“Manifest” means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.~~Subpart B.~~

“Manifest document number” means the USEPA twelve digit identification number assigned to the generator plus a unique ~~five digit~~ five-digit document number assigned to the manifest by the generator for recording and reporting purposes.

“Military munitions” means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the

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United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

“Mining overburden returned to the mine site” means any material overlying an economic mineral deposit ~~which~~ ~~that~~ is removed to gain access to that deposit and is then used for reclamation of a surface mine.

“Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

“Movement” means hazardous waste that is transported to a facility in an individual vehicle.

“New hazardous waste management facility” or “new facility” means a facility that began operation, or for which construction commenced after November 19, 1980. (See also “Existing hazardous waste management facility.”)

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also “existing tank system.”)

“Onground tank” means a device meeting the definition of tank that is situated in such a

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way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

“On-site” means the same or geographically contiguous property ~~which~~ that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way ~~which he~~ that the owner controls and to which the public does not have access is also considered on-site property.

“Open burning” means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also “incineration” and “thermal treatment.”)

“Operator” means the person responsible for the overall operation of a facility.

“Owner” means the person that owns a facility or part of a facility.

“Partial closure” means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

“Person” means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

“Personnel” or “facility personnel” means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

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“Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111, to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: “Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug.” This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

“Pile” means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

“Plasma arc incinerator” means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

“Point source” means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Publicly owned treatment works” or “POTW” is as defined in 35 Ill. Adm. Code

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“Qualified groundwater scientist” means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

“RCRA” means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

“Regional Administrator” means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator’s designee.

“Remediation waste” means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

“Remediation waste management site” means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

“Replacement unit” means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

“Representative sample” means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

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“Runoff” means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

“Runon” means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

“Saturated zone” or “zone of saturation” means that part of the earth’s crust in which all voids are filled with water.

“SIC Code” means Standard Industrial Classification Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

“Sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

“Sludge dryer” means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a ~~wet-weight~~ wet-weight basis.

“Small quantity generator” means a generator that generates less than 1000 kg of hazardous waste in a calendar month.

“Solid waste” means a solid waste as defined in 35 Ill. Adm. Code 721.102.

“Sorbent” means a material that is used to soak up free liquids by either adsorption or absorption, or both. “Sorb” means to either adsorb or absorb, or both.

“Staging pile” means an accumulation of solid, non-flowing “remediation waste” (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to the requirements of 35 Ill. Adm. Code 724.654.

“State” means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

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“Sump” means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

“Surface impoundment” or “impoundment” means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) ~~which that is~~ designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

“Tank” means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) ~~which that~~ provide structural support.

“Tank system” means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

“TEQ” means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

“Thermal treatment” means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also “incinerator” and “open burning.”-)

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

“Totally enclosed treatment facility” means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner ~~which that~~ prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

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“Transfer facility” means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

“Transport vehicle” means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

“Transportation” means the movement of hazardous waste by air, rail, highway, or water.

“Transporter” means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

“Treatability study” means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

“Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“Treatment zone” means a soil area of the unsaturated zone of a land treatment unit

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within which hazardous constituents are degraded, transformed, or immobilized.

“Underground injection” means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also “injection well.”)

“Underground tank” means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

“Unfit-for-use tank system” means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

“United States” means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Universal waste” means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Lamps, as described in 35 Ill. Adm. Code 733.105.

“Universal waste handler” means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

“Universal waste handler” does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or

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(c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

“Universal waste transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

“Unsaturated zone” or “zone of aeration” means the zone between the land surface and the water table.

“Uppermost aquifer” means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility’s property boundary.

“USDOT” or “Department of Transportation” means the United States Department of Transportation.

“Used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

“USEPA” or “EPA” or “U.S. EPA” means the United States Environmental Protection Agency.

“Vessel” includes every description of watercraft used or capable of being used as a means of transportation on the water.

“Wastewater treatment unit” means a device of which the following is true:

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge ~~which~~that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge ~~which~~that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets the definition of tank or tank system in this Section.

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“Water (bulk shipment)” means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

“Well” means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

“Well injection” (See “underground injection.”)

“Zone of engineering control” means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: “Building Code Requirements for Reinforced Concrete,” adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

“Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,” API Recommended Practice 1632, Second Edition, December 1987.

“Evaporative Loss from External Floating-Roof Tanks,” API Publication 2517, Third Edition, February 1989.

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“Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks,” 4th Edition, 1981, reaffirmed December 1987.

“Installation of Underground Petroleum Storage Systems,” API Recommended Practice 1615, Fourth Edition, November 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

“Chemical Plant and Petroleum Refinery Piping,” ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

“Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols,” ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D 140-70, Standard Practice for Sampling Bituminous Materials, approved 1970.

ASTM D 346-75, Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis, approved 1975.

ASTM D 420-69, Guide to Site Characterization for Engineering, Design, and Construction Purposes, approved 1969.

ASTM D 1452-65, Standard Practice for Soil Investigation and Sampling by Auger Borings, approved 1965.

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ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2234-76, Standard Practice for Collection of a Gross Sample of Coal, approved 1976.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a), Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b), Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

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“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number SW-846, Update IIIA (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996) (document number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

“Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems,” NACE Recommended Practice RP-02-85, approved March 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

“Flammable and Combustible Liquids Code,” NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:

APTI Course 415: Control of Gaseous Emissions, PB80-208895, December 1981.

“Generic Quality Assurance Project Plan for Land Disposal Restrictions Program,” EPA/530-SW-87-011, March 15, 1987 (document number PB88-170766).

“Guideline on Air Quality Models,” Revised 1986 (document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth

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at 40 CFR 51, Appendix W).

“Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry” (document number PB99-121949).

“Methods for Chemical Analysis of Water and Wastes,” Third Edition, March 1983 (document number PB84-128677).

“Methods Manual for Compliance with BIF Regulations,” December 1990 (document number PB91-120-006).

~~“Petitions to Delist Hazardous Wastes—A Guidance Manual, Second Edition,” EPA/530-R-93-007, March 1993 (document number PB93-169365).~~

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources,” October 1992, publication number EPA-450/R-92-019.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998) (document number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:

OECD Guideline for Testing of Chemicals, Method 301B: “CO₂ Evolution (Modified Sturm Test),” adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

“Standard for Dual Wall Underground Steel Storage Tanks” (1986).

USDOD. Available from the United States Department of Defense:

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“DOD Ammunition and Explosives Safety Standards” (DOD 6055.9-STD), as in effect in July 1999.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition tracking form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

“Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells,” EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

“Samplers and Sampling Procedures for Hazardous Waste Streams,” EPA 600/2-80-018, January 1980.

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised,” October 1992, publication number EPA-450/R-92-019.

USEPA. Available from RCRA Docket Information Center (RIC), 1235 Jefferson Davis Highway, first floor, Arlington, VA 22202, 401 M Street, SW, Washington, D.C. 20460 (phone: 202-566-0270) (Docket # F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of

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Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

“EPA RCRA Delisting Program--Guidance Manual for the Petitioner,”
March 23, 2000.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

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

10 CFR 20.2006 (2002)

10 CFR 20, Appendix B (2002)

10 CFR 71 (2002)

40 CFR 51.100(ii) (2002)

40 CFR 51, Appendix W (2002)

40 CFR 52.741, Appendix B (2002)

40 CFR 60 (2002)

40 CFR 61, Subpart V (2002)

40 CFR 63 (2002), as amended at 67 Fed. Reg. 77687 (December 19, 2002)

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40 CFR 136 (2002), as amended at 67 Fed. Reg. 65220 (October 23, 2002) and 67 Fed. Reg. 65876 (October 29, 2002)

40 CFR 142 (2002)

40 CFR 220 (2002)

40 CFR 232.2 (2002)

40 CFR 260.20 (2002)

40 CFR 264 (2002)

~~40 CFR 268.41 (1990)~~

40 CFR 268, Appendix IX (2002)

40 CFR 270.5 (2002)

40 CFR 302.4, 302.5, and 302.6 (2002)

40 CFR 423, appendix A (2002)

40 CFR 761 (2002)

~~49 CFR 107 (2001)~~ (2002)

~~49 CFR 171 (2001)~~ (2002)

~~49 CFR 172 (2001)~~ (2002)

~~49 CFR 173 (2001)~~ (2002)

~~49 CFR 178 (2001)~~ (2002)

~~49 CFR 179 (2001)~~ (2002)

c) Federal Statutes

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

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Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

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

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

- a) Any person may petition the Board to adopt as State regulations rules that are identical in substance with newly-adopted federal amendments or regulations. The petition ~~shall~~must take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal ~~shall~~must include a listing of all amendments to 40 CFR 260 through 266, 268, ~~or 273, or 279~~ that have been made since the last preceding amendment or proposal to amend 35 Ill. Adm. Code 720 through 726, 728, ~~or 733, or 739~~, pursuant to Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)].
- b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. Such proposal ~~shall~~must conform to 35 Ill. Adm. Code 102 ~~and Title VII~~ and Section 22.4(b) or 22.4(c) ~~and Title VII~~ of the Environmental Protection Act [415 ILCS 5/22.4(b) or (c) and Title VII].

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods that are stated in 35 Ill. Adm. Code 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under 35 Ill. Adm. Code 721, as observed, for example, by in the Board Note appended to 35 Ill. Adm. Code 721.120(c).
- b) The Agency may approve alternative equivalent testing methods for a particular person's use to determine whether specified waste streams are subject to these regulations. This ~~shall~~must be done by permit condition or letter.
- c) The testing methods specified in 35 Ill. Adm. Code 721 or alternative equivalent

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testing methods approved by the Agency need not be applied to identify or distinguish waste streams that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority ~~over to approve the testing procedures (Section 725.113) used.~~

- d) Any petition to the Board or request to the Agency concerning alternative equivalent testing methods must include the information required by 40 CFR Section 260.21(b).
- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721-Subpart D may file a petition, as specified in subsection (n) ~~below of this Section~~. The Board will grant the petition if the following occur:
 - 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
 - 2) If the Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "Petitions to Delist - A Guidance Manual", "EPA RCRA Delisting Program - Guidance Manual for the Petitioner," incorporated by reference in Section 720.111. A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721-Subpart C.
- b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (a)(2)(C), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721-Subpart D, or is derived from a waste listed in that Subpart. This exclusion

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may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner ~~shall~~must make the same demonstration as required by subsection (a) ~~above of this Section~~. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~.

- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes “I₁”, “C₁”, “R” or “E” in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~:
- 1) The petitioner ~~shall~~must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner ~~shall~~must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections;
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “~~Petitions to Delist – A Guidance Manual~~”, “EPA RCRA Delisting Program – Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111. A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~.
- d) Toxic waste. If the waste is listed in code “T” in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~:
- 1) The petitioner ~~shall~~must demonstrate that the waste fulfills the following criteria:

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- A) ~~Does~~ It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721.~~Appendix G~~) that caused ~~U.S. EPA-USEPA~~ to list the waste, using the appropriate test methods prescribed in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” ~~U.S. EPA-USEPA~~ Publication SW-846, as incorporated by reference in Section 720.111; or
- B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721.~~Appendix G~~) that caused ~~U.S. EPA-USEPA~~ to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous; and
- 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.
- 3) The petitioner ~~shall~~ must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
- 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~.
- e) Acute hazardous waste. If the waste is listed with the code “H” in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~:
- 1) The petitioner ~~shall~~ must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and
- 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, ~~“Petitions to Delist—A Guidance Manual”~~, “EPA RCRA Delisting Program-

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Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111.

- 3) The petitioner ~~shall~~ must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
- 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.~~Subpart C.~~
- f) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
- g) Each petition must include, in addition to the information required by subsection (n) ~~below~~ of this Section:
 - 1) The name and address of the laboratory facility performing the sampling or tests of the waste;
 - 2) The names and qualifications of the persons sampling and testing the waste;
 - 3) The dates of sampling and testing;
 - 4) The location of the generating facility;
 - 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
 - 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
 - 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);
 - 8) A description of the methodologies and equipment used to obtain the

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representative samples;

- 9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- 10) A description of the tests performed (including results);
- 11) The names and model numbers of the instruments used in performing the tests; and
- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- h) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.
- i) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.
- j) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.

BOARD NOTE: See ~~“Petitions to Delist—A Guidance Manual”~~, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111.

- k) Delisting of specific wastes from specific sources that have been adopted by ~~U.S. EPA~~-USEPA may be proposed as State regulations that are identical in substance pursuant to Section 720.120(a).

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- l) Delistings that have not been adopted by ~~U.S. EPA-USEPA~~ may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Subpart D of 35 Ill. Adm. Code-106.710~~Subpart G 104~~. The justification for the adjusted standard is as specified in subsections (a) through (g) ~~above of this Section~~, as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.
- 1) In accordance with 35 Ill. Adm. Code-~~106.710~~ 101.304, the petitioner ~~shall~~must serve copies of the petition, and any other documents filed with the Board, on ~~U.S. EPA-USEPA~~ at the following addresses:
- ~~U.S. EPA~~USEPA
Office of Solid Waste and Emergency Response
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
- ~~U.S. EPA~~USEPA, Region V
~~230 S. Dearborn Street~~
77 West Jackson Boulevard
Chicago, IL 60604
- 2) The Board will mail copies of all opinions and orders to ~~U.S. EPA-USEPA~~ at the above addresses.
- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721~~Appendix I~~, a listing of all adjusted standards granted by the Board.
- m) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but ~~shall~~will not be conclusive with reference to other persons or the Board.
- n) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.
- o) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by ~~U.S. EPA~~ USEPA.

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- p) Delistings apply only within Illinois. Generators ~~shall~~must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.123 Petitions for Regulation as Universal Waste

- a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of 35 Ill. Adm. Code 733 may petition for a regulatory amendment under this Section, Section 720.120, and Subpart G of 35 Ill. Adm. Code 733.~~Subpart G.~~
- b) Petition and Demonstration.
- 1) To be successful, the petitioner must demonstrate each of the following:
 - A) That regulation under the universal waste regulations of 35 Ill. Adm. Code 733 is appropriate for the waste or category of waste;
 - B) That regulation under 35 Ill. Adm. Code 733 will improve management practices for the waste or category of waste; and
 - C) That regulation under 35 Ill. Adm. Code 733 will improve implementation of the hazardous waste program.
 - 2) The petition must include the information required by Section 720.120(b). The petition should also address as many of the factors listed in 35 Ill. Adm. Code 733.181 as are appropriate for the waste or category of waste addressed in the petition.
- c) The Board will grant or deny a petition using the factors listed in 35 Ill. Adm. Code 733.181. The decision will be based on the weight of evidence that shows the following with regard to regulation under 35 Ill. Adm. Code 733:
- 1) That it is appropriate for the waste or category of waste,
 - 2) That it will improve management practices for the waste or category of waste, and
 - 3) That it will improve implementation of the hazardous waste program.

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- d) The Board may request additional information to that set forth in 35 Ill. Adm. Code 733.181, as needed to evaluate the merits of the petition.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.132 Boiler Determinations

In accordance with the standards and criteria in Section 720.110 (definition of “boiler”), and the procedures in 720.133, the Board will determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in Section 720.110, after considering the following criteria:

- a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; ~~and~~
- b) The extent to which the combustion chamber and energy recovery equipment are of integral design; ~~and~~
- c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; ~~and~~
- d) The extent to which exported energy is utilized; ~~and~~
- e) The extent to which the device is in common and customary use as a “boiler” functioning primarily to produce steam, heated fluids or heated gases; and
- f) Other relevant factors.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 406-104 for determining whether a material is a solid waste or for determining whether a particular enclosed flame combustion device is a boiler.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.140 Additional regulation-Regulation of certain hazardous waste-Certain Hazardous Waste Recycling Activities on a case-by-case-Case-by-Case Basis

- a) The Agency may decide on a case-by-case basis that persons accumulating or

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storing the recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2)(D) should be regulated under 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.~~Subpart F~~. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the Agency ~~shall~~ must consider the following factors:

- 1) The types of materials accumulated or stored and the amounts accumulated or stored;
 - 2) The method of accumulation or storage;
 - 3) The length of time the materials have been accumulated or stored before being reclaimed;
 - 4) Whether any contaminants are being released into the environment, or are likely to be so released; and
 - 5) Other relevant factors.
- b) The procedures for this decision are set forth in Section 720.141.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.141 Procedures for ~~case-by-case regulation~~ Case-by-Case Regulation of hazardous waste Hazardous Waste Recycling Activities

The Agency ~~shall~~ must use the following procedures when determining whether to regulate hazardous waste recycling activities described in 35 Ill. Adm. Code 721.106(a)(2)(D) under the provisions of 35 Ill Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.~~Subpart F~~.

- a) If a generator is accumulating the waste, the Agency ~~shall~~ must issue a notice setting forth the factual basis for the decision and stating that the person ~~shall~~ must comply with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code 722.~~Subparts A, C, D and E~~. The notice will become final within 30 days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the Agency ~~shall~~ must hold a public hearing. The Agency ~~shall~~ must provide notice of the hearing to the public and allow public

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participation at the hearing. The Agency ~~shall~~must issue a final written memorandum of decision after the hearing stating whether or not compliance with 35 Ill. Adm. Code 722 is required, and setting forth the reasons for the Agency's decision, including all findings of fact and conclusions of law. Such memorandum of decision ~~shall~~will constitute a final administrative action, and may be appealed to the Board. The decision becomes effective 35 days after service of the decision unless the Agency specifies a later date or unless an appeal has been filed with the Board. The decision may be appealed to the Board by any person who participated in the hearing. Proceedings before the Board ~~shall~~must be in general accordance with the rules set forth in 35 Ill. Adm. Code 105.

- b) If the person is accumulating the recyclable material as a storage facility, the notice must state that the person ~~shall~~must obtain a permit in accordance with all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or operator of the facility ~~shall~~must apply for a permit within no less than 60 days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Agency's decision, it may do so in its permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the Agency's determination. The question of whether the Agency's decision was proper will remain open for consideration during the public comment period discussed under Subparts D and E of 35 Ill. Adm. Code 705~~Subparts D and E~~, and in any subsequent hearing.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

Section 720.Appendix A Overview of 40 CFR, Subtitle C Regulations

See Appendix I to 40 CFR 260.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003).

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 721
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
721.101, 721.102, 721.103	Amend
721.104, 721.105, 721.106	Amend
721.107, 721.108, 721.109	Amend
721.110, 721.111, 721.120	Amend
721.121, 721.122, 721.123	Amend
721.124, 721.130, 721.131	Amend
721.132, 721.133, 721.135	Amend
721.138,	Amend
721.Appendix. A	Amend
721.Appendix. B	Amend
721.Appendix. C	Amend
721.Appendix. G	Amend
721.Appendix. I	Amend
Table A	Amend
Table B	Amend
Table C	Amend
Table D	Amend
721.Appendix. Y,	Amend
721.Appendix. Z	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 17, 2003
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

Yes. Part 721 includes references to documents incorporated by reference, and the base text of Appendix A to Part 721 includes the incorporation of Appendix I to 40 C.F.R. 261 by reference. The present amendments replace the incorporation of the federal provision by reference with references to the several documents referenced in the federal provision. This has required incorporation of those documents by reference in 35 Ill. Adm. Code 720.111, which is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739.

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8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

April 18, 2003, 27 Ill. Reg. 6661

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

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board's opinion and order of June 5, 2003 in docket R03-18 summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 20, 2003, in docket R03-18, and those adopted by an order dated June 5, 2003. Some of the differences are explained in greater detail in the Board's opinion and order of June 5, 2003 adopting the amendments.

There are no substantive differences between the adopted and proposed versions of the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 18, 2003 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of June 5, 2003 in docket R03-18, as

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indicated in item 11 above. The table in the opinion and order indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the June 5, 2003 opinion and order in docket R03-18 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 721 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 720, 726, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 20, 2003, proposing amendments in docket R03-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 721 implement segments of the federal July 24, 2002 exclusion of certain secondary materials used to make zinc fertilizers from the definition of solid waste. The amendments to Part 721 also incorporate a number of non-substantive corrections to the text of the rules.

Tables appear in the Board's opinion and order of June 5, 2003 in docket R03-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2003 opinion and order in docket R03-18.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-18 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 5, 2003 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section

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721.130	General
721.131	Hazardous Wastes from Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.135	Wood Preserving Wastes
721.138	Comparable or Syngas Fuel Exclusion
721.Appendix A	Representative Sampling Methods
721.Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.Appendix G	Basis for Listing Hazardous Wastes
721.Appendix H	Hazardous Constituents
721.Appendix I	Wastes Excluded by Administrative Action
Table A	Wastes Excluded by U.S. EPA <u>USEPA</u> under 40 CFR 260.20 and 260.22 from Non-Specific Sources
Table B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
Table C	Wastes Excluded by U.S. EPA <u>USEPA</u> under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Table D	Wastes Excluded by the Board by Adjusted Standard
721.Appendix J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.Appendix Y	Table to Section 721.138
721.Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill.

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Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

- a) This Part identifies those solid wastes ~~which that~~ are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, 705, ~~and~~ 722 through 725, and 728, and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA) (42 ~~U.S.C.~~ USC 6901 et seq.). In this Part:
 - 1) Subpart A of this Part defines the terms “solid waste” and “hazardous waste,” identifies those wastes ~~which that~~ are excluded from regulation

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under 35 Ill. Adm. Code 702, 703, 705, ~~and~~ 722 through 726, and 728, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste ~~which~~ that is recycled.

- 2) Subpart B of this Part sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
 - 3) Subpart C of this Part identifies characteristics of hazardous wastes.
 - 4) Subpart D of this Part lists particular hazardous wastes.
- b) Limitations on definition of solid waste:
- 1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.
 - 2) This Part identifies only some of the materials ~~which~~ that are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material ~~which~~ that is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.
- c) For the purposes of Sections 721.102 and 721.106 the following definitions apply:
- 1) A “spent material” is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
 - 2) “Sludge” has the same meaning used in 35 Ill. Adm. Code 720.110.
 - 3) A “by-product” is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public’s use and is ordinarily used in the form it is produced by the process.

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- 4) A material is “reclaimed” if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.
- 5) A material is “used or reused” if ~~it is either~~ of the following is true:
 - A) ~~Employed~~ It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - B) ~~Employed~~ It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).
- 6) “Scrap metal” is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars) ~~which~~ that when worn or superfluous can be recycled.
- 7) A material is “recycled” if it is used, reused or reclaimed.
- 8) A material is “accumulated speculatively” if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that —during the calendar year (commencing on January 1), —the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no

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longer in this category once they are removed from accumulation for recycling, however.

- 9) “Excluded scrap metal” is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
 - 10) “Processed scrap metal” is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials that have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(13))).
 - 11) “Home scrap metal” is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.
 - 12) “Prompt scrap metal” is scrap metal as generated by the metal working/fabrication industries, and it includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.
- d) The Agency has inspection authority pursuant to Section 3007 of RCRA and Section 4 of the Environmental Protection Act [415 ILCS 5/4].

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.102 Definition of Solid Waste

- a) Solid waste.
 - 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
 - 2) A discarded material is any material that is described as follows:
 - A) Abandoned, as explained in subsection (b) of this Section;

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- B) Recycled, as explained in subsection (c) of this Section;
- C) Considered inherently waste-like, as explained in subsection (d) of this Section; or
- D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
- b) ~~Materials are~~ A material is a solid waste if ~~they are~~ it is abandoned by being in one of the following ways:
- 1) ~~Disposed~~ It is disposed of; ~~or~~
 - 2) ~~Burned~~ It is burned or incinerated; or
 - 3) ~~Accumulated~~ It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
- c) ~~Materials are~~ A material is a solid waste if ~~they are~~ it is recycled--or accumulated, stored, or treated before recycling--as specified in subsections (c)(1) through (c)(4) of this Section, if ~~they are~~ one of the following occurs with regard to the material:
- 1) ~~Used~~ The material is used in a manner constituting disposal.
 - A) ~~Materials~~ A material that is noted with a “yes” in column 1 of the table in Appendix Z of this Part ~~are~~ is a solid wastes-waste when ~~they are~~ one of the following occurs:
 - i) ~~Applied~~ The material is applied to or placed on the land in a manner that constitutes disposal; or
 - ii) ~~Used~~ The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
 - B) However, a commercial chemical ~~products~~-product that is listed in Section 721.133 ~~are~~ is not a solid wastes-waste if ~~they are~~ it is applied to the land and that is ~~their~~ its ordinary manner of use.

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- 2) ~~Burned~~ The material is burned for energy recovery.
- A) ~~Materials~~ A material that is noted with a “yes” in column 2 of the table in Appendix Z of this Part ~~are~~ is a solid wastes-waste when ~~they are~~ one of the following occurs:
- i) ~~Burned~~ It is burned to recover energy;
- ii) ~~Used~~ It is used to produce a fuel or ~~are~~ is otherwise contained in fuels (in which case the fuel itself remains a solid waste);
- iii) ~~Contained~~ It is contained in fuels (in which case the fuel itself remains a solid waste).
- B) However, a commercial chemical products-product that is listed in Section 721.133 ~~are~~ is not a solid wastes-waste if ~~they are~~ themselves fuels it is itself a fuel.
- 3) Reclaimed. ~~Materials~~ A material noted with a “yes” in column 3 of the table in Appendix Z of this Part ~~are~~ is a solid wastes-waste when reclaimed (except as provided under Section 721.104(a)(17)). ~~Materials~~ A material noted with a “-” in column 3 of Appendix Z of this Part ~~are~~ is not a solid wastes-waste when reclaimed.
- 4) Accumulated speculatively. ~~Materials~~ A material noted with “yes” in column 4 of the table in Appendix Z of this Part ~~are~~ is a solid wastes-waste when accumulated speculatively.
- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
- 2) ~~Secondary materials~~ A secondary material fed to a halogen acid furnace that ~~exhibit~~ exhibits a characteristic of a hazardous waste or ~~are~~ which is listed as a hazardous waste, as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:

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- A) The material must contain a bromine concentration of at least 45 percent;
 - B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H of this Part; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
- A) Disposal method or toxicity.
 - i) ~~The materials are~~ material is ordinarily disposed of, burned, or incinerated; or
 - ii) ~~The materials contain~~ material contains toxic constituents listed in Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for which the ~~materials substitute~~ material substitutes (or are found in raw materials or products in smaller concentrations) and ~~are~~ is not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
- 1) ~~Materials are~~ A material is not solid wastes a waste when they it can be shown to be recycled by being fulfilling one of the following conditions:
 - A) ~~Used~~ It is used or reused as ~~ingredients an ingredient~~ an ingredient in an industrial process to make a product, provided the ~~materials are~~ material is not being reclaimed; or
 - B) ~~Used~~ It is used or reused as effective substitutes for commercial products; or
 - C) ~~Returned~~ It is returned to the original process from which ~~they are~~ it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials.

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In cases where the original process to which the material is returned is a secondary process, the ~~materials~~ material must be managed in such a manner that there is no placement on the land. In cases where the ~~materials are~~ material is generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(17) apply rather than this provision.

- 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) of this Section):
 - A) ~~Materials~~ A material used in a manner constituting disposal or used to produce ~~products~~ a product that ~~are~~ is applied to the land; or
 - B) ~~Materials~~ A material burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - C) ~~Materials~~ A material accumulated speculatively; or
 - D) ~~Materials~~ A material listed in subsections (d)(1) and (d)(2) of this Section.

- f) Documentation of claims that ~~materials are~~ a material is not a solid wastes ~~waste~~ or ~~are~~ is conditionally exempt from regulation. ~~Respondents~~ A respondent in an ~~actions~~ action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that ~~raise~~ raises a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that ~~they meet~~ the material meets the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, ~~owners~~ an owner or ~~operators~~ operator of ~~facilities~~ a facility claiming that ~~they~~ it actually ~~are~~ is recycling ~~materials~~ a material must show that ~~they have~~ it has the necessary equipment to ~~do so~~ recycle that material.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

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- a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:
- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
 - 2) It meets any of the following criteria:
 - A) It exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - B) It is listed in Subpart D of this Part and has not been excluded from the lists in Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.
 - C) This subsection corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as “reserved” at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.
 - D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this Part and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this Section; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D of this Part are not hazardous wastes

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(except by application of subsection (a)(2)(A) or (a)(2)(B) of this Section) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:

- i) ~~One~~ It is one or more of the following solvents listed in Section 721.131: carbon tetrachloride, tetrachloroethylene, trichloroethylene, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million;
- ii) ~~One~~ It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million;
- iii) ~~One~~ It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste no. K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous

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waste number K172);

- iv) ~~A-It is a~~ discarded commercial chemical product or chemical intermediate listed in Section 721.133 arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, “de minimis” losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing;
- v) ~~Wastewater-It is wastewater~~ resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility’s wastewater treatment or pretreatment system or provided that the wastes’ combined annualized average concentration does not exceed one part per million in the headworks of the facility’s wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;
- vi) ~~One-It is one~~ or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is

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discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or

- vii) ~~Wastewaters~~ It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

- E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, incorporated by reference at 35 Ill. Adm. Code 720.111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).

- i) The rebuttable presumption does not apply to a metalworking ~~oils-oil~~ or ~~fluids-fluid~~ containing chlorinated paraffins if ~~they are~~ it is processed through a tolling arrangement, as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to a metalworking ~~oils-oil~~ or ~~fluids-fluid~~ if such ~~oils-an oil or fluids-are~~ fluid is recycled in any other manner, or disposed.
- ii) The rebuttable presumption does not apply to a used ~~oils-oil~~ contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for

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reclamation. The rebuttable presumption does apply to a used ~~oil~~-oil contaminated with CFCs that have been mixed with used oil from ~~sources~~-a source other than a refrigeration-~~units~~ unit.

- b) A solid waste that is not excluded from regulation under subsection (a)(1) of this Section becomes a hazardous waste when any of the following events occur:
- 1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.
 - 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.
 - 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C of this Part.
- c) Unless and until it meets the criteria of subsection (d) of this Section, a hazardous waste will remain a hazardous waste.
- BOARD NOTE: This subsection corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section.
- d) Any solid waste described in subsection ~~(e)~~-(e) of this Section is not a hazardous waste if it meets the following criteria:
- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C of this Part. (However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
 - 2) In the case of a waste that is a listed waste under Subpart D of this Part, a waste that contains a waste listed under Subpart D of this Part, or a waste that is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection ~~(e)~~-(e) of this Section under 35 Ill. Adm. Code 720.120 and 720.122.
- e) Specific inclusions and exclusions.

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- 1) Except as otherwise provided in subsection (e)(2), (g), or (h) of this Section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
- 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
 - A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
 - B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).
 - C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.
 - i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when

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the process or operation generating the waste changes.

- ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:

<u>Constituent</u>	<u>Maximum for any single composite sample (mg/L)</u>
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Generic exclusion levels for K061 and K062 nonwastewater HTMR residues:

<u>Constituent</u>	<u>Maximum for any single composite sample (mg/L)</u>
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Vanadium	1.26
Zinc	70

Generic exclusion levels for F006 nonwastewater HTMR residues:

<u>Constituent</u>	<u>Maximum for any single composite sample (mg/L)</u>
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010

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Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

- iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, ~~and which~~ do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am

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aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.”

- D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157).
- E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection would normally correspond with 40 CFR 261.3(e), a subsection ~~which~~that has been deleted and marked “reserved” by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

- f) Notwithstanding subsections (a) through (e) of this Section and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart C of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728, ~~or 730~~:
 - 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code ~~728-Table F~~; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
 - 2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.
- g) Exclusion of certain wastes listed in Subpart D of this Part solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.

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- 1) A hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part.
 - 2) The exclusion described in subsection (g)(1) of this Section also pertains to the following:
 - A) Any mixture of a solid waste and a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D) of this Section; and
 - B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1) of this Section.
 - 3) Wastes excluded under this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.
- h) Eligible radioactive mixed waste.
- 1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726. ~~Subpart N~~ (i.e., it is “eligible radioactive mixed waste”).
 - 2) The exemption described in subsection (h)(1) of this Section also pertains to the following:
 - A) Any mixture of a solid waste and an eligible radioactive mixed waste; and
 - B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.
 - 3) Waste exempted under this subsection (h) must meet the eligibility criteria

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and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
 - 1) Sewage:
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
 - 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
 - 3) Irrigation return flows.
 - 4) Source, by-product, or special nuclear material, as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.).
 - 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
 - 6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is

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accumulated speculatively, as defined in Section 721.101(c).

- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the production process, provided that the following is true:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over ~~twelve~~ 12 months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
 - C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:
 - i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at ~~water borne~~ water-borne plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving

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solutions are managed to prevent release to either land or groundwater or both;

- iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
- iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725. ~~Subpart W~~, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and
- v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

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- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:
 - A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this ~~section~~ Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of

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this Part, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

- B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
- A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
- B) The circuit boards are free of mercury switches, mercury relays, ~~and~~ nickel-cadmium batteries, and lithium batteries.
- 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- 16) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.
- 17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:

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- A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
- B) The spent material is not accumulated speculatively;
- C) Except as provided in subsection (a)(17)(D) of this Section, the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate ~~which~~that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.
- D) The Agency must allow by permit that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.
 - i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent

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material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

- ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have runoff and runoff controls; they must be operated in a manner ~~which~~ that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.
- iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703. ~~Subpart D~~ for the RCRA Subtitle C permit public notice requirements.

- E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.
- F) For purposes of subsection (b)(7) of this Section, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by

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non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

- 18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:
- A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);
 - B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An “associated organic chemical manufacturing facility” is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. “Petrochemical recovered oil” is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.
- 19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land, or accumulated speculatively, as defined in Section 721.101(c).
- 20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:
- A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

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- B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:
- i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).
 - ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way which prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F) of this Section:
 - iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).
 - iv) It must maintain records at the generator's or intermediate handler's facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G) of this

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- C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:
- i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii) of this Section.
 - ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).
 - iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.
 - iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.
- D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

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E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through (a)(20)(ii)(B)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through (a)(20)(ii)(D)(3). The Board added the preamble to these federal

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paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

- 21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20) of this Section, provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

<u>Constituent</u>	<u>Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)</u>
<u>Arsenic</u>	<u>0.3</u>
<u>Cadmium</u>	<u>1.4</u>
<u>Chromium</u>	<u>0.6</u>
<u>Lead</u>	<u>2.8</u>
<u>Mercury</u>	<u>0.3</u>

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of subsection (a)(21)(B) of this Section. Such records must at a minimum include the following:

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- i) The dates and times product samples were taken, and the dates the samples were analyzed;
 - ii) he names and qualifications of the persons taking the samples;
 - iii) A description of the methods and equipment used to take the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any cleanup and sample preparation methods; and
 - vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).
- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the such-facility:
 - A) ~~Receives~~The facility receives and burns only the following waste:
 - i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); ~~and~~ or
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

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- B) ~~Such~~ The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:
- A) The growing and harvesting of agricultural crops, or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- 6) Chromium wastes:
- A) Wastes that fail the test for the toxicity characteristic (~~Sections~~ Section 721.124 and 721-Appendix B to this Part) because

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chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, ~~if it is shown by a waste generator or by waste generators that~~ the waste generator shows the following:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
 - ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) ~~Specific~~ The following are specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) ~~are:~~
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

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- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
 - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange;

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solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

- B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:
- i) Slag from primary copper processing;
 - ii) Slag from primary lead processing;
 - iii) Red and brown muds from bauxite refining;
 - iv) Phosphogypsum from phosphoric acid production;
 - v) Slag from elemental phosphorus production;
 - vi) Gasifier ash from coal gasification;
 - vii) Process wastewater from coal gasification;
 - viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - ix) Slag tailings from primary copper processing;
 - x) Fluorogypsum from hydrofluoric acid production;
 - xi) Process wastewater from hydrofluoric acid production;
 - xii) Air pollution control dust or sludge from iron blast furnaces;
 - xiii) Iron blast furnace slag;
 - xiv) Treated residue from roasting and leaching of chrome ore;
 - xv) Process wastewater from primary magnesium processing by the anhydrous process;
 - xvi) Process wastewater from phosphoric acid production;

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- xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
 - xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - xix) Chloride processing waste solids from titanium tetrachloride production; and
 - xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and
 - ii) The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

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- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - B) Hot-draining and crushing;
 - C) Dismantling and hot-draining; or
 - D) Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- 15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under ~~certain~~ the following circumstances:
- A) The following conditions must be fulfilled:
 - i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that ~~is~~ are generated after the effective date listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001

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K176, K177, and K178

May 20, 2002

- ii) The solid wastes described in subsection (b)(15)(A)(i) of this Section were disposed of prior to the effective date of the listing (as set forth in that subsection);
 - iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and
 - iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act.
- B) Leachate or gas condensate derived from K169, K170, K171, or K172 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. After November 21, 2003, leachate or gas condensate derived from K176, K177, or K178 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) of this Section after the emergency ends.
- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, ~~705, and 722~~ through 725, and 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

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- d) Samples.
- 1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, ~~705, and 722~~ through 726, and 728. The sample qualifies when it fulfills one of the following conditions:
 - A) The sample is being transported to a laboratory for the purpose of testing;
 - B) The sample is being transported back to the sample collector after testing;
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing;
 - D) The sample is being stored in a laboratory before testing;
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
 - 2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:
 - A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the

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sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

- ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.
- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.
- e) Treatability study samples.
- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
 - A) The sample is being collected and prepared for transportation by the generator or sample collector;
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
 - 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of

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media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
 - i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study; and

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- iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B) of this Section, subject to the limitations of subsection (e)(3)(C) of this Section:
- A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
 - B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further

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evaluation of an ongoing treatability study to determine final specifications for treatment.

- C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector must apply to the Agency and provide in writing the following information:
 - i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
 - ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
 - iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
 - v) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise

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subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, ~~705~~, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 10,000 kg of “as received” media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other “as received” hazardous waste is subject to initiation of treatment in all treatability studies in any single day. “As received” waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of “as received” hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to “as received” hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial

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receipt. Quantities of materials archived are counted against the total storage limit for the facility.

- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

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- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.
- g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:
- “Dredged material” has the same meaning as in 40 CFR 232.2, incorporated by reference in 35 Ill. Adm. Code 720.111.
- “Permit” means any of the following:
- A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);
 - A permit issued by the Army Corps under section 103 of the

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Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. ~~35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.~~
- b) Except for those wastes identified in subsections (e), (f), (g)₂ and (j) of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, ~~705 and 722~~ through 726₂ and 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g)₂ and (j) of this Section.
- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:
 - 1) Hazardous waste that is exempt from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of

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Section 721.106(a)(4) and 35 Ill. Adm. Code 739;

- 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726~~Subpart G~~; and
 - 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.
- d) In determining the quantity of hazardous waste it generates, a generator need not include the following:
- 1) Hazardous waste when it is removed from on-site storage;~~or~~
 - 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once;~~or~~
 - 3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.
- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, ~~705 and 722~~ through 726, and 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
 - 2) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e).
- BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.
- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section to be excluded from full regulation under this Section, the

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generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, ~~705 and~~ 722 through 726, and 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those

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rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

- F) The facility is one that fulfills one of the following conditions:
- i) ~~Beneficially~~ It beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) ~~Treats~~ It treats its waste prior to beneficial use or reuse; or legitimate recycling or reclamation; or
- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.
- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:
- 1) 35 Ill. Adm. Code 722.111;
 - 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month, as well as the requirements of 35 Ill. Adm. Code 702, 703, ~~705 and~~ 723 through 726, and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
 - 3) A conditionally exempt small quantity generator may either treat or

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dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:

- A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
- B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;
- C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA under 40 CFR 271-~~(1986)~~ (2002);
- D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
- E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

- F) The facility is one that fulfills the following conditions:
 - i) ~~Beneficially~~-It beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) ~~Treats~~-It treats its waste prior to beneficial use or ~~re-use, re-~~use or legitimate recycling or reclamation; or

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- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.
- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C of this Part.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section. Hazardous wastes that are recycled will be known as "recyclable materials."
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under Subparts C through H of 35 Ill. Adm. Code 726. ~~Subparts C through H~~ and all applicable provisions in 35 Ill. Adm. Code 702, and 703, ~~and~~ 705.
 - A) Recyclable materials used in a manner constituting disposal (Subpart C of 35 Ill. Adm. Code 726. ~~Subpart C~~);

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- B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 35 Ill. Adm. Code 724.~~Subpart O~~ or 725.~~Subpart O~~ of this Part (Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~);
- C) Recyclable materials from which precious metals are reclaimed (Subpart F of 35 Ill. Adm. Code 726.~~Subpart F~~); and
- D) Spent lead-acid batteries that are being reclaimed (Subpart G of 35 Ill. Adm. Code 726.~~Subpart G~~).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, and 703,~~or 705~~ and are not subject to the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158, the following requirements continue to apply:
- i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment ~~shall~~must comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; ~~shall~~must export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722.~~Subpart E~~; and ~~shall~~must provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export; and
- ii) Transporters transporting a shipment for export ~~shall~~must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgement of Consent, ~~shall~~must ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment, and ~~shall~~must ensure that it is delivered to the facility designated by the person initiating

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the shipment;

- B) Scrap metal that is not excluded under Section 721.104(a)(13);
- C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));
- D) Petroleum refining wastes.
 - i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
 - ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111; and
 - iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.
- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35

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Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

- 5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722. ~~Subpart H~~ if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.
- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section.
- c) Storage and recycling:
 - 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Subparts A through L, AA, BB, and CC of 35 Ill. Adm. Code 702, 703, and 705; 724. ~~Subparts A through L, AA, BB, and CC; and Subparts A through L, AA, BB, and CC of 35 Ill. Adm. Code 725~~. ~~Subparts A through L, AA, BB, and CC; 726; 728; and the notification requirement under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section.)~~
 - 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section, the following requirements continue to apply:
 - A) Notification requirements under section 3010 of the Resource Conservation and Recovery Act,
 - B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and

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- C) ~~subsection~~ Subsection (d) of this Section.
- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to Subparts AA and BB of 35 Ill. Adm. Code 724.~~Subparts AA and BB and Subparts AA and BB of 35 Ill. Adm. Code 725.~~~~Subparts AA and BB.~~

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.107 Residues of Hazardous Waste in Empty Containers

- a) Applicability of rules:
- 1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in subsection (b), is not subject to regulation under 35 Ill. Adm. Code 702, 703, ~~705, 721~~ through 725₂ or 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.
 - 2) Any hazardous waste in either a container that is not empty or an inner liner that is removed from a container that is not empty, as defined in subsection (b), is subject to regulations under 35 Ill. Adm. Code 702, 703, ~~705, 721~~ through 725₂ and 728 and to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.
- b) Definition of “empty”:
- 1) A container or an ~~empty inner~~ inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Sections 721.131, 721.132₂ or 721.133(e), is empty if the conditions of subsections (b)(1)(A) and (b)(1)(B) of this Section exist, subject to the limitations of subsection (b)(1)(C) of this Section:
 - A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping₂ and aspirating, and
 - B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

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- C) Weight limits:
- i) No more than ~~3~~three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size, or
 - ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size.
- 2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches ambient atmospheric pressure.
- 3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Sections 721.131, 721.132, or 721.133(e) is empty if any of the following occurs:
- A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
 - B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
 - C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.108 PCB Wastes Regulated under TSCA

Polychlorinatedbiphenyl-(PCB-)containing dielectric fluid and electric equipment containing such fluid, ~~which that~~ are authorized for use and regulated under 40 CFR 761, ~~incorporated by reference in 35 Ill. Adm. Code 720.111,~~ and which are hazardous only because they fail the test for toxicity characteristic (hazardous waste codes D018 through D043 only), are exempt from regulation under 35 Ill. Adm. Code 702, 703, ~~705,~~ 721 through 725, and 728, and from the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

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(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702 through ~~705, 703,~~ 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes ~~listed in this Section~~ are subject to regulation under 35 Ill. Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
- b) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- c) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
- d) Lamps, as described in 35 Ill. Adm. Code 733.105.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section 721.110 Criteria for Identifying the Characteristics of Hazardous Waste

- a) USEPA stated in corresponding 40 CFR 261.10 that it identifies and defines a characteristic of hazardous waste in Subpart C of this Part only upon determining ~~that the following~~:
 - 1) ~~A-That a solid waste which~~ that exhibits the characteristic may do either of the following:
 - A) ~~Cause-It could cause,~~ or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - B) ~~Pose-It could pose~~ a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and
 - 2) ~~The-That the~~ characteristic can be as follows:

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- A) ~~Measured~~ It can be measured by an available standardized test method ~~which that~~ is reasonable within the capability of generators of solid waste or private sector laboratories ~~which that~~ are available to serve generators of solid waste; or
- B) ~~Reasonably~~ It can reasonably be detected by generators of solid waste through their knowledge of their waste.

b) Delisting procedures are contained in 35 Ill. Adm. Code 720.122.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.111 Criteria for Listing Hazardous Waste

- a) USEPA stated in corresponding 40 CFR 261.11 that it lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:
- 1) ~~It~~ The solid waste exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part; or
 - 2) Acute hazardous waste. ~~It~~ The solid waste has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/L, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.

BOARD NOTE: Waste listed in accordance with these criteria are designated Acute Hazardous Waste.

- 3) Toxic waste. ~~It~~ The solid waste contains any of the toxic constituents listed in Appendix H of this Part and, after considering the following factors, USEPA concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

BOARD NOTE: Substances are listed in Appendix H of this Part only if they have been shown in scientific studies to have toxic, carcinogenic,

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mutagenic, or teratogenic effects on humans or other life forms.

- A) The nature of the toxicity presented by the constituent;
- B) The concentration of the constituent in the waste;
- C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a)(3)(G) of this Section;
- D) The persistence of the constituent or any toxic degradation product of the constituent;
- E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation;
- F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;
- G) The plausible types of improper management to which the waste could be subjected;
- H) The quantities of the waste generated at individual generation sites or on a regional or national basis;
- I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of the wastes containing the constituent;
- J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and
- K) Such other factors as may be appropriate.

BOARD NOTE: Wastes listed in accordance with these criteria are designated toxic wastes.

- b) USEPA stated in corresponding 40 CFR 261.11(b) that it may list classes or types

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of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in Section 1004(5) of the Resource Conservation and Recovery Act (42 USC ~~6901 et seq.~~ 6904(5)).

- c) USEPA will use the criteria for listing specified in this Section to establish the exclusion limits referred to in Section 721.105(c).

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

- a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart C.

BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart C.

- b) A hazardous waste ~~which that~~ is identified by a characteristic in this Subpart C is assigned every USEPA Hazardous Waste Number ~~which hazardous waste number that is applicable~~ as set forth in this Subpart C. This number must be used in complying with the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42 USC 6910) and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 726 and 728.
- c) For purposes of this Subpart C, a sample obtained using any of the applicable sampling methods specified in Appendix A of this Part is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

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Section 721.121 Characteristic of Ignitability

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
- 1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D-93, incorporated by reference in 35 Ill. Adm. Code 720.111, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3828, incorporated by reference in 35 Ill. Adm. Code 720.111, or as determined by an equivalent test method approved by the Board (35 Ill. Adm. Code 720.120).
 - 2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.
 - 3) It is an ignitable compressed gas, as defined in 49 CFR 173.300, incorporated by reference in 35 Ill. Adm. Code 720.111, and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).
 - 4) It is an oxidizer, as defined in 49 CFR 173.151, incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) A solid waste that exhibits the characteristic of ignitability has the ~~EPA Hazardous Waste Number~~ USEPA hazardous waste number of D001.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.122 Characteristic of Corrosivity

- a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:
- 1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040 in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,” incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55° C (130° F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by ~~U.S. EPA~~ USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

- b) A solid waste that exhibits the characteristic of corrosivity has the ~~U.S. EPA Hazardous Waste Number~~ USEPA hazardous waste number of D002.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.123 Characteristic of Reactivity

- a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:
 - 1) It is normally unstable and readily undergoes violent change without detonating.
 - 2) It reacts violently with water.
 - 3) It forms potentially explosive mixtures with water.
 - 4) When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
 - 5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
 - 6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
 - 7) It is readily capable of detonation or explosive decomposition or reaction

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at standard temperature and pressure.

- 8) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive, as defined in 49 CFR 173.88, incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) A solid waste that exhibits the characteristic of reactivity has the ~~EPA Hazardous Waste Number~~ USEPA hazardous waste number of D003.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.124 Toxicity Characteristic

- a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"; USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) ~~below of this Section~~ at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this Section.

BOARD NOTE: The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

- b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR
THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number Note	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5

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D006	Cadmium	7440-43-9		1.0
D019	Carbon tetrachloride	56-23-5		0.5
D020	Chlordane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7	<u>42</u>	200.0
D024	m-Cresol	108-39-4	<u>42</u>	200.0
D025	p-Cresol	106-44-5	<u>42</u>	200.0
D026	Cresol		<u>42</u>	200.0
D016	2,4-D	94-75-7		10.0
D027	1,4-Dichlorobenzene	106-46-7		7.5
D028	1,2-Dichloroethane	107-06-2		0.5
D029	1,1-Dichloroethylene	75-35-4		0.7
D030	2,4-Dinitrotoluene	121-14-2	<u>31</u>	0.13
D012	Endrin	72-20-8		0.02
D031	Heptachlor (and its epoxide)	76-44-8		0.008
D032	Hexachlorobenzene	118-74-1	<u>31</u>	0.13
D033	Hexachlorobutadiene	87-68-3		0.5
D034	Hexachloroethane	67-72-1		3.0
D008	Lead	7439-92-1		5.0
D013	Lindane	58-89-9		0.4
D009	Mercury	7439-97-6		0.2
D014	Methoxychlor	72-43-5		10.0
D035	Methyl ethyl ketone	78-93-3		200.0
D036	Nitrobenzene	98-95-3		2.0
D037	Pentachlorophenol	87-86-5		100.0
D038	Pyridine	110-86-1	<u>31</u>	5.0
D010	Selenium	7782-49-2		1.0
D011	Silver	7440-22-4		5.0
D039	Tetrachloroethylene	127-18-4		0.7
D015	Toxaphene	8001-35-2		0.5
D040	Trichloroethylene	79-01-6		0.5
D041	2,4,5-Trichlorophenol	95-95-4		400.0
D042	2,4,6-Trichlorophenol	88-06-2		2.0
D017	2,4,5-TP (Silvex)	93-72-1		1.0
D043	Vinyl chloride	75-01-4		0.2

Notes to Table:

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- 31 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
- 42 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/L.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.130 General

- a) A solid waste is a hazardous waste if it is listed in this Subpart D, unless it has been excluded from this list under 35 Ill. Adm. Code 720.120 and 720.122.
- b) The basis for listing the classes or types of wastes listed in this Subpart D is indicated by employing one or more of the ~~Hazard Codes~~ following hazard codes:
- 1) Hazard Codes:
 - A) Ignitable ~~Waste~~ waste (I)
 - B) Corrosive ~~Waste~~ waste (C)
 - C) Reactive ~~Waste~~ waste (R)
 - D) Toxicity Characteristic waste (E)
 - E) Acute ~~Hazardous Waste~~ hazardous waste (H)
 - F) Toxic ~~Waste~~ waste (T)
 - 2) Appendix G of this Part identifies the constituent ~~which~~ that caused the Administrator to list the waste as a ~~Toxicity Characteristic~~ toxicity characteristic waste (E) or ~~Toxic Waste~~ toxic waste (T) in Sections 721.131 and 721.132.
- c) Each hazardous waste listed in this Subpart D is assigned an ~~EPA Hazardous Waste Number~~ which ~~USEPA hazardous waste number~~ that precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of ~~the Act~~ RCRA (42 USC 6910) and certain

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recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 725, and 728 and 40 CFR 122.

- d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acute hazardous wastes established in Section 721.105: hazardous wastes numbers F020, F021, F022, F023, F026, and F027.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.131 Hazardous Wastes from Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources, unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA

Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)

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- F002 The following spent halogenated solvents: tetrachloro- (T)
ethylene, methylene chloride, trichloroethylene, 1,1,1-
trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-tri-
fluoroethane, orthodichlorobenzene, trichloro-
fluoromethane, and 1,1,2-trichloroethane; all spent
solvent mixtures and blends containing, before use, a
total of ten percent or more (by volume) of one or more
of the above halogenated solvents or those solvents
listed in F001, F004, or F005; and still bottoms from the
recovery of these spent solvents and spent solvent
mixtures.
- F003 The following spent non-halogenated solvents: xylene, (I)
acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl
isobutyl ketone, n-butyl alcohol, cyclohexanone, and
methanol; all spent solvent mixtures and blends
containing, before use, only the above spent non-
halogenated solvents; and all spent solvent mixtures and
blends containing, before use, one or more of the above
non-halogenated solvents and a total of ten percent or
more (by volume) of one or more of those solvents listed
in F001, F002, F004, or F005; and still bottoms from the
recovery of these spent solvents and spent solvent
mixtures.
- F004 The following spent non-halogenated solvents: cresols (T)
and cresylic acid and nitrobenzene; all spent solvent
mixtures and blends containing, before use, a total of ten
percent or more (by volume) of one or more of the
above non-halogenated solvents or those solvents listed
in F001, F002, or F005; and still bottoms from the
recovery of these spent solvents and spent solvent
mixtures.

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- F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I, T)
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)
- F007 Spent cyanide plating bath solutions from electroplating operations. (R, T)
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R, T)
- F010 Quenching bath residues from oil baths from metal ~~heat treating~~-heat-treating operations where cyanides are used in the process. (R, T)
- F011 Spent cyanide solutions from salt bath pot cleaning from metal ~~heat treating~~-heat-treating operations. (R, T)
- F012 Quenching wastewater treatment sludges from metal ~~heat treating~~-heat-treating operations where cyanides are used in the process. (T)

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- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)
- F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
- F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (H)
- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (H)
- F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)

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- F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this Section or in Section 721.132.) (T)
- F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (H)
- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (H)
- F027 Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.) (H)
- F028 Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026, and F027. (T)

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- F032 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)
- F034 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)
- F035 Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)

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- F037 Petroleum refinery primary oil/water/solids separation (T)
sludge -- Any sludge generated from the gravitational
separation of oil/water/solids during the storage or
treatment of process wastewaters and oily cooling
wastewaters from petroleum refineries. Such sludges
include, but are not limited to, those generated in:
oil/water/solids separators; tanks and impoundments;
ditches and other conveyances; sumps; and stormwater
units receiving dry weather flow. Sludge generated in
stormwater units that do not receive dry weather flow,
sludge generated from non-contact once-through cooling
waters segregated for treatment from other process or
oily cooling waters, sludge generated in aggressive
biological treatment units as defined in subsection (b)(2)
of this Section (including sludge generated in one or
more additional units after wastewaters have been
treated in aggressive biological treatment units), and
K051 wastes are not included in this listing. This listing
does include residuals generated from processing or
recycling oil-bearing hazardous secondary materials
excluded under Section 721.104(a)(12)(A) if those
residuals are to be disposed of.

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- F038 Petroleum refinery secondary (emulsified) (T)
oil/water/solids separation sludge -- Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in the following types of units: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048, and K051 wastes are not included in this listing.
- F039 Leachate (liquids ~~which~~ that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste number(s): F020, F021, F022, F026, F027, or F028.) (T)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

- b) ~~Listing-specific~~ Listing-specific definitions.
- 1) For the purpose of the F037 and F038 listings, “oil/water/solids” is defined as oil or water or solids.
 - 2) For the purposes of the F037 and F038 listings, the following apply:

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- A) “Aggressive biological treatment units” are defined as units ~~which~~ that employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. “High-rate aeration” is a system of surface impoundments or tanks in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and the following is true:
- i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either
 - ii) The hydraulic retention time of the unit is no longer than five days; or
 - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.
- B) Generators and treatment, storage, or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must maintain, in their operating or other on site records, documents and data sufficient to prove ~~that~~ the following:
- i) The unit is an aggressive biological treatment unit, as defined in this subsection; and
 - ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.
- 3) Time of generation. For the purposes of the designated waste, the “time of generation” is defined as follows:
- A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
 - B) For the F038 listing:

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- i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
- ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA

Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	<u>Wood Preservation Process Wastes:</u>	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
	<u>Inorganic Pigments Production Wastes:</u>	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	<u>Organic Chemicals Production Wastes:</u>	

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K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,_T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,_T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)

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K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,_T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,_T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,_T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)

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| K115 | Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of di-nitrotoluene. | (T) |
| K116 | Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. | (T) |
| K117 | Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. | (T) |
| K118 | Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. | (T) |
| K136 | Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. | (T) |
| K156 | Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K157 | Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K158 | Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K159 | Organics from the treatment of thiocarbamate wastes. | (T) |
| K161 | Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) | (R, T) |
| K174 | Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) they-the sludges are disposed of in a sub <u>title RCRA Subtitle C (42 USC 6921-6939e)</u> or non-hazardous landfill licensed or permitted by the <u>a state or the</u> federal government; (2) they-the sludges are not otherwise placed on the land prior to final disposal; and (3) the generator maintains | (T) |

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documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.).

- K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

Inorganic Chemicals Production Wastes:

- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)
- K176 Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide). (E)
- K177 Slag from the production of antimony oxide that is speculatively accumulated or disposed of, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). (T)
- K178 Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process. (T)

Pesticides Production Wastes:

- K031 By-product salts generated in the production of MSMA and cacodylic acid. (T)
- K032 Wastewater treatment sludge from the production of chlordane. (T)

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K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,_T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,_T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
<u>Explosives Production Wastes:</u>		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)

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K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations. <u>Petroleum Refining Wastes:</u>	(R)
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). <u>Iron and Steel Production Wastes:</u>	(I,T)
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110). <u>Primary Aluminum Production Wastes:</u>	(C,T)
K088	Spent potliners from primary aluminum reduction. <u>Secondary Lead Production Wastes:</u>	(T)
K069	Emission control dust/sludge from secondary lead smelting.	(T)

BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

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K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. <u>Veterinary Pharmaceuticals Production Wastes:</u>	(T)
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. <u>Ink Formulation Wastes:</u>	(T)
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. <u>Coking-Coke Production Wastes:</u>	(T)
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)

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K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.
- b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.
- c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical

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intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty, as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase “commercial chemical product or manufacturing chemical intermediate having the generic name listed in ...” refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use ~~which that~~ consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.

- e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding

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USEPA ~~Hazardous Waste Numbers~~ hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R, T)
P007	2763-96-4	5-(Amino methyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H_3AsO_4
P012	1327-53-3	Arsenic oxide As_2O_3
P011	1303-28-2	Arsenic oxide As_2O_5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-

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P042	51-43-4	1,2-Benzenediol, 4-[(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P046	122-09-8	Benzeneethanamine, α,α -dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[(2,3-b)]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $\text{Ca}(\text{CN})_2$
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)-carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methyl-ethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate

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P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 α ,8 α ,8a β)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[(2,3-b)]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth[(2,3-b)]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7 α)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan

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P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioc acid, 2-(dimethylamino)-N- {((methylamino)carbonyl)oxy}-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N- {((methylamino)carbonyl)oxy}-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethylenimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R,_T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato- S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,_T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis(chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-

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P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3- {{((methylamino)-carbonyl)}oxy]phenyl}-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl- 4-{{((methylamino)carbonyl)}oxy}phenyl]-
P199	2032-65-7	Methiocarb
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexa- hydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-hepta- chloro-3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P129	315-8-4	Mexacarbate
P072	86-88-4	α -Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	54-11-5*	Nicotine, and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-

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P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[(2-(ethylthio)ethyl)] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl]] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[(2-(methylamino)-2-oxoethyl)] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[(4-[(dimethylamino)sulfonyl]]phenyl)] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb

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P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O- {{(methylamino)carbonyl}} oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O- {{(methylamino)carbonyl}}oxime
P101	107-12-0	Propane nitrile
P027	542-76-7	Propane nitrile, 3-chloro-
P069	75-86-5	Propane nitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propane triol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts
P204	57-47-6	Pyrrolo{{(2,3-b)}}indol-5-ol, 1,2,3,3a,8,8a-hexa- hydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9*	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithio pyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Th ₂ O ₃
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate

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P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide $\{((H_2N)C(S))\}_2NH$
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P185	26419-73-8	Tirpate
P118	75-70-7	Trichloromethane thiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P205	137-30-4	Zinc, bis(dimethylcarbamo dithioato-S,S')-
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10 percent (R, T)
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

- f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA ~~Hazardous Waste Numbers~~ hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino{(2',3':3,4)}pyrrolo{(1,2-a)}indole-4,7-dione, 6-amino-8-{{(aminocarbonyl)oxy}}-methyl}-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, {{1a-S-(1 α ,8 β ,8 α ,8 $\beta\alpha$)}}
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz{{j}}aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride

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U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[<u>a</u>]anthracene
U094	57-97-6	Benz[<u>a</u>]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[<u>N,N</u> -dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylene bis[<u>2</u> -chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chloro-phenyl)- α -hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[<u>bis</u> (2-chloroethyl)-amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[<u>4</u> -chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R, T)
U239	1330-20-7	Benzene, dimethyl- (I, T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-

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U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[(4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[(4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidene
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[<i>a</i>]pentaphene
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less
U022	50-32-8	Benzo[<i>a</i>]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[(1,1'-Biphenyl)]-4,4'-diamine
U073	91-94-1	[(1,1'-Biphenyl)]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[(1,1'-Biphenyl)]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[(1,1'-Biphenyl)]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-

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U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [(1S-[(1 α (Z), 7(2S*,3R*), 7 α)])]-n-Butyl alcohol (I)
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [(1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl)-], methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [(1,2-phenylenebis(imino-carbono thioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)

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U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, α and γ isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	β -Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H_2CrO_4 , calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexa diene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	P 94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenzf{(a,h)}anthracene
U064	189-55-9	Dibenzo f{(a,i)}pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene

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U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin

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U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[(methylene bis(oxy)-)]bis[(2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[(2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'- [(thiobis[(methylimino)carbonyloxy])bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether

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U115	75-21-8	Ethylene oxide (I, T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C, T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso-ureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)carbonyl)amino)-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R, T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C, T)
U134	7664-39-3	Hydrogen fluoride (C, T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno{(1,2,3-cd)}pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I, T)

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U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[<u>cd</u>]pentalen-2- one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro- octahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)

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U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylene bis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10- $\{[(3\text{-amino-}2,3,6\text{-trideoxy})\text{-}\alpha\text{-L-lyxo-hexa pyranosyl}]\text{oxyl}\}$ -7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalene amine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'- $\{[(3,3'\text{-dimethyl-}\{[1,1'\text{-biphenyl}]\text{-4,4'-diyl}\})\text{bis(azo)bis}\{[5\text{-amino-4-hydroxy}]\text{-, tetrasodium salt}$
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	α -Naphthylamine
U168	91-59-8	β -Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea

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U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4- methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylene bis[(3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4- nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[(bis(2-chloroethyl) amino)]-
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S- methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride

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U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[(bis(2-chloro-ethyl)amino)-]
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine

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U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide $\{[(H_2N)C(S)]_2S_2\}$, tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine

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U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18- $\{[(3,4,5\text{-trimethoxybenzoyl})\text{oxy}]_2\}$ -, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-
U249	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations of 10 percent or less

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.135 Wood Preserving Wastes

- a) Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subsections (b) and (c) of this Section. These wastes may, however, continue to meet another hazardous waste listing description or may exhibit one or more of the hazardous waste characteristics.
- b) Generators ~~shall~~ must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts and trams, in a manner ~~which~~ that minimizes or eliminates the escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition products to the groundwater, surface water, or

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atmosphere.

- 1) Generators ~~shall~~must do one of the following:
 - A) Prepare and follow an equipment cleaning plan and clean equipment in accordance with this Section; or
 - B) Prepare and follow an equipment replacement plan and replace equipment in accordance with this Section; or
 - C) Document cleaning and replacement in accordance with this Section, carried out after termination of use of chlorophenolic preservatives.
- 2) Cleaning requirements.
 - A) ~~Prepare~~The generator must prepare and sign a written equipment cleaning plan that describes the following:
 - i) The equipment to be cleaned~~;~~;
 - ii) How the equipment will be cleaned~~;~~;
 - iii) The solvent to be used in cleaning~~;~~;
 - iv) How solvent rinses will be tested~~—And;~~ and
 - v) How cleaning residues will be disposed of.
 - B) Equipment must be cleaned as follows:
 - i) Remove all visible residues from process equipment~~;~~ and
 - ii) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.
 - C) Analytical requirements~~;~~
 - i) Rinses must be tested in accordance with SW-846, Method 8290, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- ii) “Not detected” means at or below the lower method calibration limit (MCL) in Method 8290, Table 1.
 - D) The generator must manage all residues from the cleaning process as F032 waste.
- 3) Replacement requirements.
 - A) Prepare and sign a written equipment replacement plan that describes the following:
 - i) The equipment to be replaced;
 - ii) How the equipment will be replaced; and
 - iii) How the equipment will be disposed of.
 - B) The generator must manage the discarded equipment as F032 waste.
- 4) Documentation requirements. Document that previous equipment cleaning and replacement was performed in accordance with this Section and occurred after cessation of use of chlorophenolic preservatives.
- c) The generator ~~shall~~ must maintain the following records documenting the cleaning and replacement as part of the facility’s operating record:
 - 1) The name and address of the facility;
 - 2) Formulations previously used and the date on which their use ceased in each process at the plant;
 - 3) Formulations currently used in each process at the plant;
 - 4) The equipment cleaning or replacement plan;
 - 5) The name and address of any persons who conducted the cleaning and replacement;
 - 6) The dates on which cleaning and replacement were accomplished;
 - 7) The dates of sampling and testing;

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- 8) A description of the sample handling and preparation techniques used for extraction, containerization, preservation and chain-of-custody of the samples;
- 9) A description of the tests performed, the date the tests were performed and the results of the tests;
- 10) The name and model numbers of the ~~instrument(s)~~ instruments used in performing the tests;
- 11) QA/QC documentation; and
- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that all process equipment required to be cleaned or replaced under 35 Ill. Adm. Code 721.135 was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

- a) Comparable fuel specifications.
 - 1) Physical specifications.
 - A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
 - B) Viscosity. The viscosity must not exceed 50 cs, ~~as-fired~~ as fired.
 - 2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.

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- b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:
- 1) It must have a minimum Btu value of 100 Btu/Scf;
 - 2) It must contain less than 1 ppmv of total halogen;
 - 3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
 - 4) It must contain less than 200 ppmv of hydrogen sulfide; and
 - 5) It must contain less than 1 ppmv of each hazardous constituent in the target list of ~~Appendix H~~ constituents listed in Appendix H of this Part.
 - A) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this section) is excluded from the definition of solid waste provided that the following requirements are met:
 - 6) Notices. For purposes of this section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.
 - A) Notice to the Agency.
 - I) THE GENERATOR MUST SUBMIT A ONE-TIME NOTICE TO THE AGENCY, CERTIFYING COMPLIANCE WITH THE CONDITIONS OF THE EXCLUSION AND PROVIDING DOCUMENTATION, AS REQUIRED BY SUBSECTION (C)(1)(A)(III) OF THIS SECTION;
 - i) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must specify at which sites the comparable or syngas fuel will be

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generated;

- ii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.
- B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:
- i) The name, address, and USEPA identification number of the generating facility;
 - ii) The name and address of the units that will burn the comparable or syngas fuel;
 - iii) A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;
 - iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and
 - v) The name and mailing address of the Agency office to which the claim was submitted.
- C) Required content of comparable or syngas notification to the Agency.
- i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
 - ii) The applicable USEPA hazardous waste codes for the hazardous waste;
- III) THE NAME AND ADDRESS OF THE UNITS THAT MEET THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION THAT WILL BURN THE

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COMPARABLE OR SYNGAS FUEL; AND

- iii) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 7) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (c)(1) of this section applies only if the fuel is burned in the following units that also must be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:
- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
 - B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
 - i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed

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- into new products, including the component parts of products, by mechanical or chemical processes; or
- ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;
- C) Hazardous waste incinerators subject to regulation under Subpart O of 35 Ill. Adm. Code 724, ~~Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725, ~~Subpart O~~ or applicable CAA MACT standards.
 - D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.
- 8) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:
- A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this section;
 - B) the waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
 - C) the waste must not violate the dilution prohibition of subsection (c)(6) of this Section.
- 9) Treatment to meet the comparable fuel exclusion specifications.
- A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this section provided the treatment fulfills the following requirements:
 - i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
 - ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and

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- III) THE TREATMENT DOES NOT VIOLATE THE DILUTION PROHIBITION OF SUBSECTION (C)(6) OF THIS SECTION.
 - B) Residuals resulting from the treatment of a hazardous waste listed in subpart D of this part to generate a comparable fuel remain a hazardous waste.
- 10) Generation of a syngas fuel.
- A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this section provided the processing fulfills the following requirements:
 - i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;
 - ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and
 - iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.
 - B) Residuals resulting from the treatment of a hazardous waste listed in subpart D of this part to generate a syngas fuel remain a hazardous waste.
- 11) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2), or (b) of this section.
- 12) Waste analysis plans. The generator of a comparable or syngas fuel must develop and follow a written waste analysis plan that describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan must be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste,

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Physical/Chemical Methods” (SW-846). The plan must be followed and retained at the facility excluding the waste.

- A) At a minimum, the plan must specify the following:
- i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;
 - ii) The test methods that will be used to test for these parameters;
 - iii) The sampling method that will be used to obtain a representative sample of the waste to be analyzed;
 - iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
 - v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
- B) The waste analysis plan must also contain records of the following:
- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the persons who obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control

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results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;

- vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and

VIII) ALL LABORATORY DOCUMENTATION THAT SUPPORTS THE ANALYTICAL RESULTS, UNLESS A CONTRACT BETWEEN THE CLAIMANT AND THE LABORATORY PROVIDES FOR THE DOCUMENTATION TO BE MAINTAINED BY THE LABORATORY FOR THE PERIOD SPECIFIED IN SUBSECTION (C)(11) OF THIS SECTION AND ALSO PROVIDES FOR THE AVAILABILITY OF THE DOCUMENTATION TO THE CLAIMANT UPON REQUEST.

- C) Syngas fuel generators must submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

13) Comparable fuel sampling and analysis.

- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:

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- i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
 - ii) A constituent detected in previous analysis of the waste;
 - iii) Constituents introduced into the process that generates the waste; or
 - iv) Constituents that are byproducts or side reactions to the process that generates the waste.
- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
 - ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires

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any person ~~which~~ that generates a solid waste to determine if that waste is a hazardous waste.

- E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this section.
- G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.
- H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator must undertake the following actions:
 - i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
 - ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.
- I) Excluded comparable or syngas fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

NOTE TO SUBSECTION (C)(8): ANY CLAIM UNDER THIS SECTION MUST BE VALID AND ACCURATE FOR ALL HAZARDOUS CONSTITUENTS; A DETERMINATION NOT TO TEST FOR A HAZARDOUS CONSTITUENT WILL NOT SHIELD A GENERATOR FROM LIABILITY SHOULD THAT CONSTITUENT LATER BE FOUND IN THE WASTE ABOVE THE EXCLUSION SPECIFICATIONS.

- 14) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).

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- 15) Records. The generator must maintain records of the following information on-site:
- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
 - i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;
 - II) THE APPLICABLE USEPA HAZARDOUS WASTE CODES FOR EACH HAZARDOUS WASTE EXCLUDED AS A FUEL; AND
 - ii) The certification signed by the person claiming the exclusion or his authorized representative;
 - B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
 - C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
 - D) Documentation for any claim that a constituent is not present in the hazardous waste, as required under subsection (c)(8)(A) of this section;
 - E) The results of all analyses and all detection limits achieved, as required under subsection (c)(8) of this section;
 - F) If the excluded waste was generated through treatment or blending, documentation, as required under subsection (c)(3) or (c)(4) of this section;
 - G) If the waste is to be shipped off-site, a certification from the burner, as required under subsection (c)(12) of this section;
 - H) A waste analysis plan and the results of the sampling and analysis that include the following:
 - i) The dates and times waste samples were obtained, and the

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- dates the samples were analyzed;
- ii) The names and qualifications of the persons that obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;
 - vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and
- VIII) ALL LABORATORY DOCUMENTATION THAT SUPPORTS THE ANALYTICAL RESULTS, UNLESS A CONTRACT BETWEEN THE CLAIMANT AND THE LABORATORY PROVIDES FOR THE DOCUMENTATION TO BE MAINTAINED BY THE LABORATORY FOR THE PERIOD SPECIFIED IN SUBSECTION (C)(11) OF THIS SECTION AND ALSO PROVIDES FOR THE AVAILABILITY OF THE DOCUMENTATION TO THE CLAIMANT UPON REQUEST; AND
- I) If the generator ships comparable or syngas fuel off-site for burning, the generator must retain for each shipment the following information on-site:
- viii) The name and address of the facility receiving the comparable or syngas fuel for burning;

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- ix) The quantity of comparable or syngas fuel shipped and delivered;
 - x) The date of shipment or delivery;
 - IV) A CROSS-REFERENCE TO THE RECORD OF COMPARABLE OR SYNGAS FUEL ANALYSIS OR OTHER INFORMATION USED TO MAKE THE DETERMINATION THAT THE COMPARABLE OR SYNGAS FUEL MEETS THE SPECIFICATIONS, AS REQUIRED UNDER SUBSECTION (C)(8) OF THIS SECTION; AND
 - V) A ONE-TIME CERTIFICATION BY THE BURNER, AS REQUIRED UNDER SUBSECTION (C)(12) OF THIS SECTION.
- 16) Records retention. Records must be maintained for the period of three years. A generator must maintain a current waste analysis plan during that ~~three-year~~ three-year period.
- 17) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship its fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:
- A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this section;
 - B) Identification of the name and address of the units that will burn the comparable or syngas fuel; and
 - C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of this section.
- 18) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these

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wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

- c) Table Y of this Part sets forth the table of detection and detection limit values for comparable fuel specification.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix A Representative Sampling Methods

~~See Appendix I to 40 CFR 261~~

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM Standard D140–70, Standard Practice for Sampling Bituminous Materials, incorporated by reference in 35 Ill. Adm. Code 720.111.

Crushed or powdered material: ASTM Standard D346–75, Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis, incorporated by reference in 35 Ill. Adm. Code 720.111.

Soil or rock-like material: ASTM Standard D420–69, Guide to Site Characterization for Engineering, Design, incorporated by reference in 35 Ill. Adm. Code 720.111.

Soillike material: ASTM Standard D1452–65, Standard Practice for Soil Investigation and Sampling by Auger Borings, incorporated by reference in 35 Ill. Adm. Code 720.111.

Fly Ash-like material: ASTM Standard D2234–76, Standard Practice for Collection of a Gross Sample of Coal, incorporated by reference in 35 Ill. Adm. Code 720.111.

Containerized liquid wastes: “COLIWASA” described in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,” SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: This method is also described in “Samplers and Sampling Procedures for Hazardous Waste Streams,” EPA 600/2–80–018, January 1980.

Liquid waste in pits, ponds, lagoons, and similar reservoirs: “Pond Sampler,” described in “Test

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Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,” SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: This manual also contains additional information on application of these protocols. This method is also described in “Samplers and Sampling Procedures for Hazardous Waste Streams,” EPA 600/2-80-018, January 1980, incorporated by reference in 35 Ill. Adm. Code 720.111..

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

NOTE: The TCLP (Method 1311) is published in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” ~~U.S. EPA~~ USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix C Chemical Analysis Test Methods

NOTE: Appropriate analytical procedures to determine whether a sample contains a given toxic constituent are specified in Chapter Two, “Choosing the Correct Procedure,” found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” ~~U.S. EPA~~ USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111. Prior to final sampling and analysis method selection, the individual should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix G Basis for Listing Hazardous Wastes

USEPA hazardous waste No.	Hazardous constituents for which listed
F001	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
F003	N.A.
F004	Cresols and cresylic acid, nitrobenzene.

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- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
- F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
- F007 Cyanide (salts).
- F008 Cyanide (salts).
- F009 Cyanide (salts).
- F010 Cyanide (salts).
- F011 Cyanide (salts).
- F012 Cyanide (complexed).
- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- F025 Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.

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F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F027	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
F032	Benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; pentachlorophenol; arsenic; chromium; tetra-, penta-, hexa-, and heptachlorodibenzo-p-dioxins; tetra-, penta-, hexa-, and heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic, chromium.
F035	Arsenic, chromium, lead.
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F039	All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under <u>Table B to 35 Ill. Adm. Code 728-Table B</u> (Constituent Concentrations in Waste).
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4- dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4- dinitrophenol, creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
K002	Hexavalent chromium, lead.
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.

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- K015 Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
- K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
- K017 Epichlorohydrin, chloroethers [(bis(chloromethyl) ether and bis-(2-chloroethyl) ethers)], trichloropropane, dichloropropanols.
- K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
- K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K021 Antimony, carbon tetrachloride, chloroform.
- K022 Phenol, tars (polycyclic aromatic hydrocarbons).
- K023 Phthalic anhydride, maleic anhydride.
- K024 Phthalic anhydride, 1,4-naphthoquinone.
- K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
- K026 Paraldehyde, pyridines, 2-picoline.
- K027 Toluene diisocyanate, toluene-2,4-diamine.
- K028 1,1,1-trichloroethane, vinyl chloride.
- K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
- K030 Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
- K031 Arsenic.
- K032 Hexachlorocyclopentadiene.
- K033 Hexachlorocyclopentadiene.
- K034 Hexachlorocyclopentadiene.
- K035 Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
- K036 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K037 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K038 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K039 Phosphorodithioic and phosphorothioic acid esters.
- K040 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K041 Toxaphene.

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K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.

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K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phnylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Dimethyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.

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K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.
K169	Benzene.
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo (a) anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
K171	Benzene, arsenic.
K172	Benzene, arsenic.
K174	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), all hexachlorodibenzo-p-dioxins (HxCDDs), all hexachlorodibenzo furans (HxCDFs), all pentachlorodibenzo-p-dioxins (PeCDDs), 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin (OCDD), 1,2,3,4,6,7,8,9- octachlorodibenzo furan (OCDF), all pentachlorodibenzofurans (PeCDFs), all tetrachlorodibenzo-p-dioxins (TCDDs), all tetrachlorodibenzofurans (TCDFs).
K175	Mercury.
K176	Arsenic, lead.
K177	Antimony.
K178	Thallium.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix I Table A Wastes Excluded by ~~U.S. EPA~~ USEPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources

Facility Address

Waste Description

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(None excluded from an Illinois source at this time)

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix I Table B Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and EP toxicity <u>TCLP</u> tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue shall <u>must</u> be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.
USX Steel Corporation Chicago, Illinois	Fully cured chemically stabilized electric arc furnace dust/sludge (CSEAFD) treatment residue (USEPA hazardous waste number K061) generated from the primary production of steel after April 29, 1991. This exclusion (for 35,000 tons of CSEAFD per year) is conditioned on the data obtained from USX's full scale CSEAFD treatment facility. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern once the full scale treatment facility is in operation, USX shall implement a testing program for the petitioned waste. This testing program must meet the following conditions

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~~for the exclusion to be valid:~~

~~1. Testing: Sample collection and analyses (including quality control (QC) procedures) must be performed according to SW 846 methodologies, incorporated by reference in 35 Ill. Adm. Code 720.111.~~

~~A. Initial Testing: During the first four weeks of operation of the full scale treatment system, USX shall collect representative grab samples of each treated batch of the CSEAFD and composite the grab samples daily. The daily composites, prior to disposal, must be analyzed for the EP leachate concentrations of all the EP toxic metals, nickel, and cyanide (using distilled water in the cyanide extractions), and the total concentrations of reactive sulfide and reactive cyanide. USX must report the analytical test data, including quality control information, obtained during this initial period no later than 90 days after the treatment of the first full scale batch.~~

~~B. Subsequent Testing: USX shall collect representative grab samples from every treated batch of CSEAFD generated daily and composite all of the grab samples to produce a weekly composite sample. USX then shall analyze each weekly composite sample for all of the EP toxic metals and nickel. The analytical data, including quality control information, must be compiled and maintained on site for a minimum of three years. These data must be furnished upon request and made available for inspection by any employee or representative of USEPA or the Agency.~~

~~2. Delisting levels: If the EP extract concentrations~~

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~~for chromium, lead, arsenic, or silver exceed 0.315 mg/l; barium exceeds 6.3 mg/l; cadmium or selenium exceed 0.063 mg/l; mercury exceeds 0.0126 mg/l; nickel exceeds 3.15 mg/l; or cyanide exceeds 4.42 mg/l or total reactive cyanide or total reactive sulfide levels exceed 250 mg/kg and 500 mg/kg, respectively, the waste must either be re-treated until it meets these levels or managed and disposed of in accordance with Subpart C of Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).~~

- ~~3. Data submittal to and enforcement by USEPA: Within one week of system start-up USX must notify the Section Chief, Delisting Section (see address below) when their full scale stabilization system is on line and waste treatment has begun. The data obtained through condition (1)(A) shall be submitted to the Section Chief, Delisting Section, CAD/OSW (OS 333), USEPA, 401 M Street, S.W., Washington, DC 20460 within the time period specified. At USEPA's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Section Chief. Failure to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period or maintain the required records for the specified time will be considered by USEPA, at its decision, sufficient basis to revoke USX's Federal exclusion to the extent directed by USEPA. All data must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code which include, but may not be limited to, 18 U.S.C. Section 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified~~

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~~section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. In the event that any of this information is determined by USEPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this federal exclusion of wastes will be void as if it never had effect or to the extent directed by USEPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion."~~

- ~~4. Data Submittal to Agency: The data obtained through condition (1)(A) must be submitted to the Illinois Environmental Protection Agency, Planning and Reporting Section, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276 within the time period specified. At Agency's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Agency. All data must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of Illinois' Environmental Protection Act), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this~~

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~~information is true, accurate and complete.”~~

~~5. Enforcement by the Agency: Whenever the Agency finds that USX has violated the standards in this exclusion, has failed to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period, has failed to maintain the required records for the specified time or has submitted false, inaccurate or incomplete data, the Agency may take such action as is allowed by Title VIII of the Act.~~

~~6. Notification to the Board: Upon modification, termination, revocation, or other alteration of this exemption by USEPA, USX shall file a petition, pursuant to Part 102, with this Board requesting that the Board follow the USEPA action.~~

Conversion Systems, Inc.
Horsham, Pennsylvania
(Sterling, Illinois operations)

Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox[®] treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois.

CSI must implement a testing program for each site that meets the following conditions:

1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed according to SW-846 methodologies, incorporated by reference in 35 Ill. Adm. Code 720.111.

A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox[®] treatment facility, CSI ~~shall~~ must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch

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generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI ~~shall~~must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD.

B. Addition of new Super Detox[®] treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in-substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox[®] treatment facility consistently meets the delisting levels specified in condition 3 below.

C. Subsequent verification testing: For the approved facility, CSI ~~shall~~must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly

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representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

2. Waste holding and handling: CSI ~~shall~~ must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is nonhazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, and 733. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony--0.06; arsenic---0.50; barium--7.6; beryllium--0.010; cadmium--0.050; chromium--0.33; lead--0.15; mercury--0.009; nickel--1; selenium--0.16; silver--0.30; thallium--0.020; vanadium--2; and zinc--70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.

4. Changes in operating conditions: After initiating

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subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established under condition 1 (e.g., use of new stabilization reagents), CSI ~~shall~~must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as nonhazardous if the wastes meet the delisting levels set forth in condition 3 above.

5. Data submittals: At least one month prior to operation of a new Super Detox[®] treatment facility, CSI must notify the Agency in writing when the Super Detox[®] treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:

“Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

“As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this

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information is true, accurate, and complete.

“In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company’s obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §§ 9601 et seq.) and corresponding provisions of the Act premised upon the company’s reliance on the void exclusion.”

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of 40 CFR 261, Appendix IX, Table 2.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix I Table C Wastes Excluded by ~~U.S. EPA~~ USEPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Facility Address	Waste Description
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(None excluded from an Illinois source at this time)

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix I Table D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

AS91-1	Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992, and modified at 133 PCB 189, April 23, 1992. (treated)
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Treated K061 waste)

- AS91-3 Petition of Peoria Disposal Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721-Subpart D, February 6 and March 11, 1993. (~~treated~~ Treated F006 waste)
- AS93-7 Petition of Keystone Steel & Wire Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721-Subpart D, February 17, 1994, as modified March 17, 1994. (~~treated~~ Treated K062 waste)
- AS94-10 Petition of Envirite Corporation for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721-Subpart D, December 14, 1994, as modified on February 16, 1995. (~~treated~~ Treated F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes)

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix Y Table to Section 721.138

Chemical name	CAS No	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	
Total Halogens as Cl	NA	1000	18400	540	
Total Organic Halogens as Cl	NA	--	--	(Note 1)	
Polychlorinated biphenyls, total {(Arocolors, total)}	1336-36-3	ND	--	ND	1.4
Cyanide, total	57-12-5	ND	--	ND	1.0
Metals:					
Antimony, total	7440-36-0	ND	--	12	
Arsenic, total	7440-38-2	ND	--	0.23	
Barium, total	7440-39-3	ND	--	23	
Beryllium, total	7440-41-7	ND	--	1.2	
Cadmium, total	7440-43-9	--	ND		1.2
Chromium, total	7440-47-3	ND	--	2.3	
Cobalt	7440-48-4	ND	--	4.6	
Lead, total	7439-92-1	57	18100	31	

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Manganese	7439-96-5	ND	--	1.2	
Mercury, total	7439-97-6	ND	--	0.25	
Nickel, total	7440-02-0	106	18400	58	
Selenium, total	7782-49-2	ND	--	0.23	
Silver, total	7440-22-4	ND	--	2.3	
Thallium, total	7440-28-0	ND	--	23	
Hydrocarbons:					
Benzo{(a)}anthracene	56-55-3	ND	--	2400	
Benzene	71-43-2	8000	19600	4100	
Benzo{(b)}fluoranthene	205-99-2	ND	--	2400	
Benzo{(k)}fluoranthene	207-08-9	ND	--	2400	
Benzo{(a)}pyrene	50-32-8	ND	--	2400	
Chrysene	218-01-9	ND	--	2400	
Dibenzo{(a,h)}anthracene	53-70-3	ND	--	2400	
7,12-Dimethylbenzo{(a)}anthracene	57-97-6	ND	--	2400	
Fluoranthene	206-44-0	ND	--	2400	
Indeno(1,2,3-cd)pyrene	193-39-5	ND	--	2400	
3-Methylcholanthrene	56-49-5	ND	--	2400	
Naphthalene	91-20-3	6200	19400	3200	
Toluene	108-88-3	69000	19400	36000	
Oxygenates:					
Acetophenone	98-86-2	ND	--	2400	
Acrolein	107-02-8	ND	--	39	
Allyl alcohol	107-18-6	ND	--	30	
Bis(2-ethylhexyl)-phthalate {(Di-2-ethylhexyl phthalate)}	117-81-7	ND	--	2400	
Butyl benzyl phthalate	85-68-7	ND	--	2400	
o-Cresol {(2-Methyl phenol)}	95-48-7	ND	--	2400	
m-Cresol {(3-Methyl phenol)}	108-39-4	ND	--	2400	
p-Cresol {(4-Methyl phenol)}	106-44-5	ND	--	2400	
Di-n-butyl phthalate	84-74-2	ND	--	2400	
Diethyl phthalate	84-66-2	ND	--	2400	

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2,4-Dimethylphenol	105-67-9	ND	--	2400	
Dimethyl phthalate	131-11-3	ND	--	2400	
Di-n-octyl phthalate	117-84-0	ND	--	2400	
Endothall	145-73-3	ND	--	100	
Ethyl methacrylate	97-63-2	ND	--	39	
2-Ethoxyethanol {(Ethylene glycol monoethyl ether-)} }	110-80-5	ND	--	100	
Isobutyl alcohol	78-83-1	ND	--	39	
Isosafrole	120-58-1	ND	--	2400	
Methyl ethyl ketone {(2-Butanone-)} }	78-93-3	ND	--	39	
Methyl methacrylate	80-62-6	ND	--	39	
1,4-Naphthoquinone	130-15-4	ND	--	2400	
Phenol	108-95-2	ND	--	2400	
Propargyl alcohol {(2- Propyn-1-ol)}	107-19-7	ND	--	30.	
Safrole	94-59-7	ND	--	2400	
Sulfonated Organics:					
Carbon disulfide	75-15-0	ND	--	ND	39
Disulfoton	298-04-4	ND	--	ND	2400
Ethyl methanesulfonate	62-50-0	ND	--	ND	2400
Methyl methane- sulfonate	66-27-3	ND	--	ND	2400
Phorate	298-02-2	ND	--	ND	2400
1,3-Propane sultone	1120-71-4	ND	--	ND	100
Tetraethylthio pyro- phosphate {(Sulfotepp)}	3689-24-5	ND	--	ND	2400
Thiophenol {(Benzene- thiol)}	108-98-5	ND	--	ND	30
O,O,O-Triethyl phosphorothioate	126-68-1	ND	--	ND	2400
Nitrogenated Organics:					
Acetonitrile {(Methyl cyanide)}	75-05-8	ND	--	ND	39
2-Acetylaminofluorene {(2-AAF)}	53-96-3	ND	--	ND	2400
Acrylonitrile	107-13-1	ND	--	ND	39

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4-Aminobiphenyl	92-67-1	ND	--	ND	2400
4-Aminopyridine	504-24-5	ND	--	ND	100
Aniline	62-53-3	ND	--	ND	2400
Benzidine	92-87-5	ND	--	ND	2400
Dibenz[<u>a,j</u>]acridine	224-42-0	ND	--	ND	2400
O,O-Diethyl O-pyrazinyl phosphorothioate <u>{(Thionazin)-}</u>	297-97-2	ND	--	ND	2400
Dimethoate	60-51-5	ND	--	ND	2400
p-(Dimethylamino)azobenzene <u>{(4-Dimethylaminoazobenzene)-}</u>	60-11-7	ND	--	ND	2400
3,3'-Dimethylbenzidine	119-93-7	ND	--	ND	2400
a,a-Dimethylphenethylamine-	122-09-8	ND	--	ND	2400
3,3'-Dimethoxybenzidine	119-90-4	ND	--	ND	100
1,3-Dinitrobenzene <u>{(m-Dinitrobenzene)-}</u>	99-65-0	ND	--	ND	2400
4,6-Dinitro-o-cresol	534-52-1	ND	--	ND	2400
2,4-Dinitrophenol	51-28-5	ND	--	ND	2400
2,4-Dinitrotoluene	121-14-2	ND	--	ND	2400
2,6-Dinitrotoluene	606-20-2	ND	--	ND	2400
Dinoseb <u>{(2-sec-Butyl-4,6-dinitrophenol)-}</u>	88-85-7	ND	--	ND	2400
Diphenylamine	122-39-4	ND	--	ND	2400
Ethyl carbamate <u>{(Urethane)-}</u>	51-79-6	ND	--	ND	100
Ethylenethiourea (2-Imidazolidinethione)	96-45-7	ND	--	ND	110
Famphur	52-85-7	ND	--	ND	2400
Methacrylonitrile	126-98-7	ND	--	ND	39
Methapyrilene	91-80-5	ND	--	ND	2400
Methomyl	16752-77-5	ND	--	ND	57
2-Methylacetonitrile <u>{(Acetone cyanohydrin)-}</u>	75-86-5	ND	--	ND	100
Methyl parathion	298-00-0	ND	--	ND	2400

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MNNG (N-Methyl-N-nitroso-N'-nitro-guanidine)	70-25-7	ND	--	ND	110
1-Naphthylamine, {(α-Naphthylamine)}	134-32-7	ND	--	ND	2400
2-Naphthylamine, {(β-Naphthylamine)}	91-59-8	ND	--	ND	2400
Nicotine	54-11-5	ND	--	ND	100
4-Nitroaniline, {(p-Nitroaniline)}	100-01-6	ND	--	ND	2400
Nitrobenzene	98-95-3	ND	--	ND	2400
p-Nitrophenol, {(p-Nitrophenol)}	100-02-7	ND	--	ND	2400
5-Nitro-o-toluidine	99-55-8	ND	--	ND	2400
N-Nitrosodi-n-butyl-amine	924-16-3	ND	--	ND	2400
N-Nitrosodiethylamine	55-18-5	ND	--	ND	2400
N-Nitrosodiphenyl-amine, {(Diphenyl-nitrosamine)}	86-30-6	ND	--	ND	2400
N-Nitroso-N-methyl-ethylamine	10595-95-6	ND	--	ND	2400
N-Nitrosomorpholine	59-89-2	ND	--	ND	2400
N-Nitrosopiperidine	100-75-4	ND	--	ND	2400
N-Nitrosopyrrolidine	930-55-2	ND	--	ND	2400
2-Nitropropane	79-46-9	ND	--	ND	30
Parathion	56-38-2	ND	--	ND	2400
Phenacetin	62-44-2	ND	--	ND	2400
1,4-Phenylene diamine, {(p-Phenylene diamine)}	106-50-3	ND	--	ND	2400
N-Phenylthiourea	103-85-5	ND	--	ND	57
2-Picoline {(alpha-Picoline)}	109-06-8	ND	--	ND	2400
Propythioracil {(6-Propyl-2-thio uracil)}	51-52-5	ND	--	ND	100
Pyridine	110-86-1	ND	--	ND	2400
Strychnine	57-24-9	ND	--	ND	100
Thioacetamide	62-55-5	ND	--	ND	57

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Thiofanox	39196-18-4	ND	--	ND	100
Thiourea	62-56-6	ND	--	ND	57
Toluene-2,4-diamine {(2,4-Diaminotoluene)}	95-80-7	ND	--	ND	57
Toluene-2,6-diamine {(2,6-Diaminotoluene)}	823-40-5	ND	--	ND	57
o-Toluidine	95-53-4	ND	--	ND	2400
p-Toluidine	106-49-0	ND	--	ND	100
1,3,5-Trinitrobenzne, { sym-Trinitrobenzene } (<u>sym-Trinitrobenzene</u>)	99-35-4	ND	--	ND	2400
Halogenated Organics:					
Allyl chloride	107-05-1	ND	--	ND	39
Aramite	140-57-8	ND	--	ND	2400
Benzal chloride {(Di- chloromethyl benzene)}	98-87-3	ND	--	ND	100
Benzyl chloride	100-44-77	ND	--	ND	100
Bis(2-chloroethyl)ether {(Dichloroethyl ether)}	111-44-4	ND	--	ND	2400
Bromoform {(Tribromo methane)}	75-25-2	ND	--	ND	39
Bromomethane {(Methyl bromide)}	74-83-9	ND	--	ND	39
4-Bromophenyl phenyl ether {(p-Bromo di- phenyl ether)}	101-55-3	ND	--	ND	2400
Carbon tetrachloride	56-23-5	ND	--	ND	39
Chlordane	57-74-9	ND	--	ND	14
p-Chloroaniline	106-47-8	ND	--	ND	2400
Chlorobenzene	108-90-7	ND	--	ND	39
Chlorobenzilate	510-15-6	ND	--	ND	2400
p-Chloro-m-cresol	59-50-7	ND	--	ND	2400
2-Chloroethyl vinyl ether	110-75-8	ND	--	ND	39
Chloroform	67-66-3	ND	--	ND	39
Chloromethane {(Methyl chloride)}	74-87-3	ND	--	ND	39

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2-Chloronaphthalene {(beta - β -Chloro- phthalene)}	91-58-7	ND	--	ND	2400
2-Chlorophenol {(o- Chloropheno)}	95-57-8	ND	--	ND	2400
Chloroprene {(2- Chloro-1,3-butadiene)}	1126-99-8	ND	--	ND	39
2,4-D {(2,4-Dichloro- phenoxyacetic acid)}	94-75-7	ND	--	ND	7.0
Diallate	2303-16-4	ND	--	ND	2400
1,2-Dibromo-3-chloro- propane	96-12-8	ND	--	ND	39
1,2-Dichlorobenzene {(o-Dichlorobenzene)}	95-50-1	ND	--	ND	2400
1,3-Dichlorobenzene {(m-Dichlorobenzene)}	541-73-1	ND	--	ND	2400
1,4-Dichlorobenzene {(p-Dichlorobenzene)}	106-46-7	ND	--	ND	2400
3,3'-Dichlorobenzidine	91-94-1	ND	--	ND	2400
Dichlorodifluoro- methane {(CFC-12)}	75-71-8	ND	--	ND	39
1,2-Dichloroethane {(Ethylene dichloride)}	107-06-2	ND	--	ND	39
1,1-Dichloroethylene {(Vinylidene chloride)}	75-35-4	ND	--	ND	39
Dichloromethoxy ethane {(Bis(2-chloro- ethoxy) methane)}	111-91-1	ND	--	ND	2400
2,4-Dichlorophenol	120-83-2	ND	--	ND	2400
2,6-Dichlorophenol	87-65-0	ND	--	ND	2400
1,2-Dichloropropane {(Propylene dichloride)}	78-87-5	ND	--	ND	39
cis-1,3-Dichloro- propylene	10061-01-5	ND	--	ND	39
trans-1,3-Dichloro- propylene	10061-02-6	ND	--	ND	39
1,3-Dichloro-2- propanol	96-23-1	ND	--	ND	30

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Endosulfan I	959-98-8	ND	--	ND	1.4
Endosulfan II	33213-65-9	ND	--	ND	1.4
Endrin	72-20-8	ND	--	ND	1.4
Endrin aldehyde	7421-93-4	ND	--	ND	1.4
Endrin Ketone	53494-70-5	ND	--	ND	1.4
Epichlorohydrin {(1-Chloro-2,3-epoxy propane)}	106-89-8	ND	--	ND	30
Ethylidene dichloride {(1,1-Dichloroethane)}	75-34-3	ND	--	ND	39
2-Fluoroacetamide	640-19-7	ND	--	ND	100
Heptachlor	76-44-8	ND	--	ND	1.4
Heptachlor epoxide	1024-57-3	ND	--	ND	2.8
Hexachlorobenzene	118-74-1	ND	--	ND	2400
Hexachloro-1,3-butadiene {(Hexachlorobutadiene)}	87-68-3	ND	--	ND	2400
Hexachlorocyclopentadiene	77-47-4	ND	--	ND	2400
Hexachloroethane	67-72-1	ND	--	ND	2400
Hexachlorophene	70-30-4	ND	--	ND	59000
Hexachloropropene {(Hexachloropropylene)}	1888-71-7	ND	--	ND	2400
Isodrin	465-73-6	ND	--	ND	2400
Kepone {(Chlordecone)}	143-50-0	ND	--	ND	4700
Lindane {(gamma-Hexachlorocyclohexane)} {(gamma-(?-BHC)}	58-89-9	ND	--	ND	1.4
Methylene chloride {(Dichloromethane)}	75-09-2	ND	--	ND	39
4,4'-methylene-bis(2-chloroaniline)	101-14-4	ND	--	ND	100
Methyl iodide {(Iodomethane)}	74-88-4	ND	--	ND	39
Pentachlorobenzene	608-93-5	ND	--	ND	2400

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Pentachloroethane	76-01-7	ND	--	ND	39
Pentachloronitrobenzene {(PCNB)} {(Quintobenzene)} {(Quintozene)}	82-68-8	ND	--	ND	2400
Pentachlorophenol	87-86-5	ND	--	ND	2400
Pronamide	23950-58-5	ND	--	ND	2400
Silvex {(2,4,5-Trichlorophenoxypropionic acid)}	93-72-1	ND	--	ND	7.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin {(2,3,7,8-TCDD)}	1746-01-6	ND	--	ND	30
1,2,4,5-Tetrachlorobenzene	95-94-3	ND	--	ND	2400
1,1,2,2-Tetrachloroethane	79-34-5	ND	--	ND	39
Tetrachloroethylene {(Perchloroethylene)}	127-18-4	ND	--	ND	39
2,3,4,6-Tetrachlorophenol	58-90-2	ND	--	ND	2400
1,2,4-Trichlorobenzene	120-82-1	ND	--	ND	2400
1,1,1-Trichloroethane {(Methyl chloroform)}	71-55-6	ND	--	ND	39
1,1,2-Trichloroethane {(Vinyl trichloride)}	79-00-5	ND	--	ND	39
Trichloroethylene	79-01-6	ND	--	ND	39
Trichlorofluoromethane {(Trichloro mono fluoromethane)}	75-69-4	ND	--	ND	39
2,4,5-Trichlorophenol	95-95-4	ND	--	ND	2400
2,4,6-Trichlorophenol	88-06-2	ND	--	ND	2400
1,2,3-Trichloropropane	96-18-4	ND	--	ND	39
Vinyl Chloride	75-01-4	ND	--	ND	39

NA means not applicable.

ND means nondetect.

Note 1: 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.

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(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

Section 721.Appendix Z Table to Section 721.102

Table

	1	2	3 Reclamation (except as provided in Section 721.104- (a)(17) for mineral processing secondary materials)	4 Speculative accumulation
Use constituting disposal	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Applicable Subsection of Section 721.102: Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	--	--
Scrap metal other than excluded scrap metal (see Section 721.101- (c)(9))	Yes	Yes	Yes	Yes

Yes - Defined as a solid waste

No - Not defined as a solid waste

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BOARD NOTE: Derived from Table 1 to 40 CFR 261.2-(1997) (2002), as amended at ~~63 Fed. Reg. 28636 (May 26, 1998)~~. The terms “spent materials₂”, “sludges₂”, “by-products₂”, “scrap metal₂”, and “processed scrap metal” are defined in Section 721.101.

(Source: Amended at 27 Ill. Reg. 12760, effective July 17, 2003)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code citation: 35 Ill. Adm. Code 726
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
726.120, 726.121, 726.122	Amend
726.123, 726.170, 726.180	Amend
726.200, 726.201, 726.202	Amend
726.203, 726.204, 726.205	Amend
726.206, 726.207, 726.208	Amend
726.209, 726.210, 726.211	Amend
726.212, 726.219, 726.300	Amend
726.301, 726.302, 726.303	Amend
726.304, 726.305, 726.310	Amend
726.340, 726.345, 726.360	Amend
726.420, 726.455, 726.460	Amend
726.Appendix.A,	Amend
726.Appendix.D	Amend
726.Appendix.E	Amend
726.Appendix.F,	Amend
726.Appendix.G	Amend
726.Appendix.I	Amend
726.Appendix.J,	Amend
726.Appendix.K	Amend
726.Appendix.L	Amend
726.Appendix.M	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 17, 2003
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

No. Part 726 includes references to documents incorporated by reference. However, none of those documents incorporated by reference are substantively updated in this proceeding. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

April 18, 2003, 27 Ill. Reg. 6825

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

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board's opinion and order of June 5, 2003 in docket R03-18 summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 20, 2003, in docket R03-18, and those adopted by an order dated June 5, 2003. Some of the differences are explained in greater detail in the Board's opinion and order of June 5, 2003 adopting the amendments.

There are no substantive differences between the adopted and proposed versions of the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 18, 2003 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of June 5, 2003 in docket R03-18, as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

indicated in item 11 above. The table in the opinion and order indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the June 5, 2003 opinion and order in docket R03-18 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 726 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 20, 2003, proposing amendments in docket R03-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 726 implement segments of the federal July 24, 2002 exclusion of certain secondary materials used to make zinc fertilizers from the definition of solid waste. The amendments to Part 726 also incorporate a number of non-substantive corrections to the text of the rules.

Tables appear in the Board's opinion and order of June 5, 2003 in docket R03-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2003 opinion and order in docket R03-18.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-18 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 5, 2003 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
 SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING
 DISPOSAL

Section

- 726.120 Applicability
- 726.121 Standards ~~applicable~~ Applicable to ~~generators~~ Generators and ~~transporters~~ Transporters of materials used Materials Used in a ~~manner~~ Manner that ~~constitutes disposal~~ Constitutes Disposal
- 726.122 Standards ~~applicable~~ Applicable to ~~storer~~ Storers, who are not Who Are Not the ultimate users Ultimate Users, of materials Materials that are to be used Are To Be Used in a ~~manner~~ manner that ~~constitutes disposal~~ Constitutes Disposal
- 726.123 Standards Applicable to Users of Materials that ~~are~~ Are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section

- 726.130 Applicability (Repealed)
- 726.131 Prohibitions (Repealed)
- 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
- 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
- 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
- 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
- 726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section

- 726.140 Applicability (Repealed)
- 726.141 Prohibitions (Repealed)

POLLUTION CONTROL BOARD

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- 726.142 Standards applicable to generators of used oil burned for energy recovery
(Repealed)
- 726.143 Standards applicable to marketers of used oil burned for energy recovery
(Repealed)
- 726.144 Standards applicable to burners of used oil burned for energy recovery
(Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

- Section
726.170 Applicability and ~~requirements~~ Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

- Section
726.180 Applicability and ~~requirements~~ Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

- Section
726.200 Applicability
726.201 Management ~~prior~~ Prior to Burning
726.202 Permit ~~standards~~ Standards for Burners
726.203 Interim Status Standards for Burners
726.204 Standards to Control Organic Emissions
726.205 Standards to ~~control~~ Control PM
726.206 Standards to Control Metals Emissions
726.207 Standards to ~~control~~ Control HCl and Chlorine Gas Emissions
726.208 Small ~~quantity~~ Quantity On-site On-Site Burner Exemption
726.209 Low ~~risk waste~~ Risk Waste Exemption
726.210 Waiver of DRE ~~trial burn~~ Trial Burn for Boilers
726.211 Standards for ~~direct~~ Direct Transfer
726.212 Regulation of Residues
726.219 Extensions of Time

SUBPART M: MILITARY MUNITIONS

- Section
726.300 Applicability

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726.301	Definitions
726.302	Definition of Solid Waste
726.303	Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304	Standards Applicable to Emergency Responses
726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
726.306	Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section	
726.310	Definitions
726.320	Storage and Treatment Conditional Exemption
726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360	Applicability of Closure Requirements to Storage Units
726.405	Transportation and Disposal Conditional Exemption
726.410	Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420	Treatment Standards for Eligible Waste
726.425	Applicability of the Manifest and Transportation Condition
726.430	Effectiveness of a Transportation and Disposal Exemption
726.435	Disposal of Exempted Waste
726.440	Containers Used for Disposal of Exempted Waste
726.445	Notification
726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455	Loss of a Transportation and Disposal Conditional Exemption and Required Action
726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption
726.Appendix A	Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
726.Appendix B	Tier I Feed Rate Screening Limits for Total Chlorine

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726.Appendix C	Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.Appendix D	Reference Air Concentrations
726.Appendix E	Risk Specific - <u>Risk-Specific</u> Doses
726.Appendix F	Stack Plume Rise
726.Appendix G	Health-Based Limits for Exclusion of Waste-Derived Residues
726.Appendix H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.Appendix I	Methods Manual for Compliance with BIF Regulations
726.Appendix J	Guideline on Air Quality Models
726.Appendix K	Lead-Bearing Materials That that May be Processed in Exempt Lead Smelters
726.Appendix L	Nickel or Chromium-Bearing Materials that may be <u>May Be</u> Processed in Exempt Nickel-Chromium Recovery Furnaces
726.Appendix M	Mercury-Bearing Wastes That that May Be Processed in Exempt Mercury Recovery Units
726.Table A	Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003.

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING
DISPOSAL

Section 726.120 Applicability

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- a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:
- 1) Without mixing with any other ~~substance(s)~~ substances; or
 - 2) After mixing or combination with any other ~~substance(s)~~ substances. These materials will be referred to throughout this Subpart C as “materials used in a manner that constitutes disposal.”
- b) ~~Products~~ A product produced for the general public’s use that ~~are~~ is used in a manner that constitutes disposal and ~~that contain~~ which contains recyclable materials ~~are~~ material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 ~~Subpart D~~ (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that ~~they contain~~ it contains. ~~Commercial fertilizers that are produced for the general public’s use that contain recyclable materials also are not presently subject to regulation, provided they meet the same treatment standards or prohibitions levels for each recyclable material they contain. However, zinc containing fertilizers using hazardous waste K061 that are produced for the general public’s use are not presently subject to regulation under this Subpart.~~
- c) Anti-skid and deicing uses ~~in a manner constituting disposal~~ of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b) ~~above~~ of this Section, and such uses of these materials remain subject to regulation.
- d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:
- 1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or
 - 2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

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Section 726.121 Standards ~~applicable~~ Applicable to ~~generators~~ Generators and ~~transporters~~ Transporters of ~~materials used~~ Materials Used in a ~~manner~~ Manner that ~~constitutes disposal~~ Constitutes Disposal

~~Generators and transporters~~ A generator or transporter of ~~materials~~ a material that ~~are~~ is used in a manner that ~~constitute~~ constitutes disposal ~~are~~ is subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act (42 ~~U.S.C.~~ USC 6901 et seq.).

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.122 Standards ~~applicable~~ Applicable to ~~storer~~ Storers, ~~who are not~~ Who Are Not the ~~ultimate users~~ Ultimate Users, of ~~materials~~ Materials that ~~are to be used~~ Are To Be Used in a ~~manner~~ manner that ~~constitutes disposal~~ Constitutes Disposal

~~Owners or operators~~ An owner or operator of ~~facilities~~ a facility that ~~store~~ stores a recyclable ~~materials~~ material that ~~are~~ is to be used in a manner that constitutes disposal, but ~~who are~~ which is not the ultimate ~~users~~ user of the ~~materials~~ material, ~~are~~ is regulated under all applicable provisions of Subparts A through L of 35 Ill. Adm. Code 724 and 725; ~~Subparts A through L~~, and 35 Ill. Adm. Code 702, 703, and 705, and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.123 Standards Applicable to Users of Materials that ~~are~~ Are Used in a Manner that Constitutes Disposal

- a) ~~Owners or operators~~ An owner or operator of ~~facilities~~ a facility that ~~use~~ uses a recyclable ~~materials~~ material in a manner that constitutes disposal ~~are~~ is regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; Subparts A through N of 35 Ill. Adm. Code 724; ~~Subparts A through N~~; Subparts A through N of 35 Ill. Adm. Code 725; ~~Subparts A through N~~; 35 Ill. Adm. Code 728; and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act. (These requirements do not apply to ~~products~~ a product that ~~contain these recyclable materials~~ contains this recyclable material under the provisions of Section 726.120(b)).
- b) The use of waste or used oil or other material that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.

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(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section 726.170 Applicability and ~~requirements~~ Requirements

- a) The regulations of this ~~subpart~~ Subpart F apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals.
- b) ~~Persons~~ A person that ~~generate~~ generates, ~~transport~~ transports, or ~~store~~ stores recyclable materials that are regulated under this Subpart ~~F~~ are ~~is~~ subject to the following requirements:
 - 1) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act;
 - 2) Subpart B of 35 Ill. Adm. Code 722.~~Subpart B~~ (for ~~generators~~ a generator), 35 Ill. Adm. Code 723.120 and ~~421-723.121~~ 723.121 (for ~~transporters~~ a transporter), and 35 Ill. Adm. Code 725.171 and 725.172 (for ~~persons~~ a person that ~~store~~ stores); and
 - 3) For precious metals exported to or imported from designated OECD member countries for recovery, Subpart H of 35 Ill. Adm. Code 722.~~Subpart H~~ and 725.112(a)(2). For precious metals exported to or imported from non-OECD countries for recovery, Subparts E and F of 35 Ill. Adm. Code 722.~~Subparts E and F~~.
- c) ~~Persons~~ A person that ~~store~~ stores recycled materials that are regulated under this Subpart ~~F~~ shall must keep the following records to document that ~~they are~~ it is not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));
 - 1) Records showing the volume of these materials stored at the beginning of the calendar year;
 - 2) The amount of these materials generated or received during the calendar year; and

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- 3) The amount of materials remaining at the end of the calendar year.
- d) Recyclable materials that are regulated under this Subpart F that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 702, 703, and 722 through 725, and 35 Ill. Adm. Code 702, 703 and 705.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and ~~requirements~~ Requirements

- a) ~~Are~~ Extent of exemption for spent lead-acid batteries exempt from hazardous waste management requirements? If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. ~~Use the following table to determine~~ Subsections (a)(1) through (a)(5) of this Section indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the “Universal Waste” rule in 35 Ill. Adm. Code 733.
 - 1) If the batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to 35 Ill. Adm. Code 721 and 722.111.
 - 2) If the batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111) and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.
 - 3) If the batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111) and the

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notification requirements of section 3010 of RCRA, but the owner or operator is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

- 4) If the batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the owner or operator reclaims them, the owner or operator must comply with Section 726.180(b) and other requirements described in that subsection, and the owner or operator is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

- 5) If the batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the owner or operator reclaims them, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111) and the notification requirements of section 3010 of RCRA, and the owner or operator is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

If the batteries . . .	And if an owner or operator . . .	Then an owner or operator . . .	And an owner or operator . . .
(1) Will be reclaimed through regeneration (such as by electrolyte replacement)		is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, 728, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111

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(2) Will be reclaimed other than through regeneration	generates, collects, or transports these batteries	is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728
(3) Will be reclaimed other than through regeneration	stores these batteries but the owner or operator is not the reclaimer	is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728
(4) Will be reclaimed other than through regeneration	stores these batteries before the owner or operator reclaims them	shall comply with 35 Ill. Adm. Code 726.180(b) and, as appropriate, other regulatory provisions described in 35 Ill. Adm. Code 726.180(b)	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728

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(5) Will be reclaimed other than through regeneration	does not store these batteries before the owner or operator reclaims them	is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728
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b) ~~If an owner or operator stores~~ Exemption for spent lead-acid batteries stored before it reclaims them but not reclamation other than through regeneration, which requirements apply?. The requirements of this subsection (b) of this Section apply to an owner or operator ~~if the owner or operator that~~ stores spent lead-acid batteries before it reclaims them, ~~but where~~ the owner or operator does not reclaim the m through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

- 1) For an interim status facility, the owner or operator ~~shall~~ must comply with the following requirements:
 - A) The notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA);;
 - B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 725.~~Subpart A~~;;
 - C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725.~~Subpart B~~, except 35 Ill. Adm. Code 725.113 (waste analysis);;
 - D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 725.~~Subparts C and D~~;;
 - E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725.~~Subpart E~~, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);;

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- F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725.~~Subparts F through L.; and~~
 - G) All applicable provisions in 35 Ill. Adm. Code 702; and 703,~~and 705.~~
- 2) For a permitted facility, the following requirements:
- A) The notification requirements under section 3010 of RCRA;;
 - B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 724.~~Subpart A.;~~
 - C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724.~~Subpart B, except (but not 35 Ill. Adm. Code 724.113 (waste analysis));;~~
 - D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 724.~~Subparts C and D.;~~
 - E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724.~~Subpart E, except (but not 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies));;~~
 - F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 724.~~Subparts F through L.; and~~
 - G) All applicable provisions in 35 Ill. Adm. Code 702; and 703,~~and 705.~~

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL
FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart H apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by

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subsections (b), (c), (d), (g), and (h) of this Section. In this Subpart H, the term “burn” means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

- b) Integration of the MACT standards.
- 1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an affected source demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(b), documenting compliance with the requirements of 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.
 - 2) The following standards continue to apply:
 - A) If an owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, Section 726.202(e)(1), requiring operations in accordance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and Section 726.202(e)(2)(C), requiring compliance with the emission standards and operating requirements, during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes. These provisions apply only during startup, shutdown, and malfunction events;
 - B) The closure requirements of Sections 726.202(e)(11) and 726.203(1);
 - C) The standards for direct transfer of Section 726.211;
 - D) The standards for regulation of residues of Section 726.312; and

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- E) The applicable requirements of Subparts A through H, BB, and CC of 35 Ill. Adm. Code 724 and 725.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (September 30,1999)):

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

- c) The following hazardous wastes and facilities are not subject to regulation under this Subpart H:
- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
 - 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
 - 4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.
- d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices, such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid

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furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart H, except for Sections 726.201 and 726.212.

- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing must comply with the requirements of subsection (d)(3) of this Section, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X must comply with the requirements of subsection (h) of this Section:
 - A) Provide a one-time written notice to the Agency indicating the following:
 - i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (d)(2) of this Section;
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d);
 - B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) under procedures specified by "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator must use the best available method; and

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- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection (d), including limits on levels of toxic organic constituents and Btu value of the waste and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C) of this Section; or
- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C) of this Section.
- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection (d)(3) or subsection (d)(1) of this Section. The owner or operator must comply with the requirements of subsection (d)(1) of this Section for those wastes claimed to be exempt

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under that subsection and must comply with the following requirements for those wastes claimed to be exempt under this subsection (d)(3):

- A) The hazardous wastes listed in Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (d)(1) of this Section, provided the following are true:
- i) A waste listed in Appendix K of this Part must contain recoverable levels of lead, a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
 - ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;
 - iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721; and
 - iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (d)(3) of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (d)(1)(B) of this Section, and records to document compliance with subsection (d)(3) of this Section must be kept for at least three years.
- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 may pose a hazard to human health and

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the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart H. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart H when burning that material. In making the hazard determination, the Agency must consider the following factors:

- i) The concentration and toxicity of organic constituents in the material;
 - ii) The level of destruction of toxic organic constituents provided by the furnace; and
 - iii) Whether the acceptable ambient levels established in Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- e) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- f) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- g) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation under this Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator must do the following:
- 1) Provide a one-time written notice to the Agency indicating the following:
 - A) The owner or operator claims exemption under this Section,

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- B) The hazardous waste is burned for legitimate recovery of precious metal, and
 - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator must use the best available method; and
 - 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, is conditionally exempt from regulation under this Subpart, except for Section 726.201. To become exempt, an owner or operator must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix H to 35 Ill. Adm. Code 721 of less than 500 ppm by weight, as fired and as provided in subsection (d)(2)(A) of this Section, or is listed in Appendix K to this Part.
 - i) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart H:
 - “APCS” means air pollution control system.
 - “BIF” means boiler or industrial furnace.
 - “Carcinogenic metals” means arsenic, beryllium, cadmium, and chromium.
 - “CO” means carbon monoxide.

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“Continuous monitor” is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

“DRE” means destruction or removal efficiency.

“cu m” or “m³” means cubic meters.

“E” means “ten to the power.” For example, “XE-Y” means “X times ten to the - Y power.”

“Feed rates” are measured as specified in Section 726.202(e)(6).

“Good engineering practice stack height” is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

“HC” means hydrocarbon.

“HCl” means hydrogen chloride gas.

“Hourly rolling average” means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

“K” means Kelvin.

“kVA” means kilovolt amperes.

“MEI” means maximum exposed individual.

“MEI location” means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

“Noncarcinogenic metals” means antimony, barium, lead, mercury, thallium, and silver.

“One hour block average” means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of the preceding clock hour.

“PIC” means product of incomplete combustion.

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“PM” means particulate matter.

“POHC” means principal organic hazardous constituent.

“ppmv” means parts per million by volume.

“QA/QC” means quality assurance and quality control.

“Rolling average for the selected averaging period” means the arithmetic mean of one hour block averages for the averaging period.

“RAC” means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D of this Part.

“RSD” means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E of this Part.

“SSU” means “Saybolt Seconds Universal,” a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

“TCLP test” means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

“TESH” means terrain-adjusted effective stack height (in meters).

“Tier I.” See Section 726.206(b).

“Tier II.” See Section 726.206(c).

“Tier III.” See Section 726.206(d).

“Toxicity equivalence” is estimated, pursuant to Section 726.204(e), using “Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners,” incorporated by reference in Appendix I of this Part.

“mg” means microgram.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

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Section 726.201 Management ~~prior~~Prior to Burning

- a) Generators. ~~Generators~~A generator of hazardous waste that is burned in a BIF ~~are~~is subject to 35 Ill. Adm. Code 722.
- b) Transporters. ~~Transporters~~A transporter of hazardous waste that is burned in a BIF ~~are~~is subject to 35 Ill. Adm. Code 723.
- c) Storage and treatment facilities.
 - 1) An owner or operator of a facility that stores or treats hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 702, 703, 724, and 725 ~~and 35 Ill. Adm. Code 702 and 703~~, except as provided by subsection (c)(2) of this Section. These standards apply to storage and treatment by the burner, as well as to any storage or treatment facility operated by an intermediary (a processor, blender, distributor, etc.) between the generator and the burner.
 - 2) An owner or operator of a facility that burns, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is exempt from regulation under 35 Ill. Adm. Code 702, 703, 724, and 725 ~~and 35 Ill. Adm. Code 702 and 703~~ applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation, as prescribed in subsection (c)(1) of this Section.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.202 Permit ~~standards~~Standards for Burners

- a) Applicability.
 - 1) General. ~~Owners and operators~~An owner or operator of BIFs burning a BIF that burns hazardous waste and which does not operating operate under interim status ~~shall~~must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt under the small quantity burner exemption of Section 726.208.
 - 2) Applicability of 35 Ill. Adm. Code 724 standards. ~~Owners and operators~~

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An owner or operator of BIFs-a BIF that burn-burns hazardous waste are-is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

- A) In Subpart A (General), 35 Ill. Adm. Code 724.104;
 - B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;
 - C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;
 - D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;
 - E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;
 - F) In Subpart F (Corrective Action), 35 Ill. Adm. Code 724.190 and 724.201;
 - G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;
 - H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the ~~Federal~~-federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724.241-247; and
 - I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).
- b) Hazardous waste analysis.
- 1) The owner or operator ~~shall~~ must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721.100. ~~Appendix H~~ that is reasonably ~~be~~ expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by analytical procedures

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prescribed by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111). Alternative methods that meet or exceed the method performance capabilities of SW-846 methods may be used. If SW-846 does not prescribe a method for a particular determination, the owner or operator ~~shall~~ must use the best available method. The Appendix H of 35 Ill. Adm. Code 721. ~~Appendix H~~ constituents excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart, as a portion of the trial burn plan that may be submitted before the Part B application under provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. Owners and operators of BIFs not operating under the interim status standards ~~shall~~ must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

- 2) Throughout normal operation, the owner or operator ~~shall~~ must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.
- c) Emissions standards. Owners and operators ~~shall~~ must comply with emissions standards provided by Sections 726.204 through 726.207.
- d) Permits.
- 1) The owner or operator ~~shall~~ must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified under subsection (e), ~~below of this Section~~, except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.
 - 2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part

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B of a permit application under 35 Ill. Adm. Code 703.208.

- 3) BIFs operating under the interim status standards of Section 726.203 are permitted under procedures provided by 35 Ill. Adm. Code 703.232(g).
- 4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), ~~below~~ of this Section, in order to comply with the following standards:
 - A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency ~~shall~~ must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.
 - B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;
 - C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure

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compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

- D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.
- e) Operating requirements.
- 1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.
 - 2) Requirements to ensure compliance with the organic emissions standards.
 - A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a); or, as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived under Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste ~~which that~~ that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:
 - i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

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~~below of this Section;~~

- iii) Appropriate controls of the hazardous waste firing system;
 - iv) Allowable variation in BIF system design or operating procedures;
 - v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6); ~~below of this Section;~~
 - vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6); ~~below of this Section,~~ unless documentation is provided under 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and
 - vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.
- B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:
- i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;
 - ii) When complying with the alternative CO standard under Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); ~~or~~
 - iii) When complying with the alternative HC limit for industrial furnaces under Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous

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waste is not burned as specified by that subsection.

- C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste ~~{(except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements under Sections 726.204(a)(5), 726.205, 726.206, and 726.207)}~~ must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.
- 3) Requirements to ensure conformance with the particulate matter (PM) standard.
- A) Except as provided in subsections (e)(3)(B) and ~~(e)(3)(C), below of~~ this Section, the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:
- i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6), ~~below of this~~ Section;
 - ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6), ~~below of this~~ Section;
 - iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);
 - iv) Allowable variation in BIF system design including any APCS or operating procedures; and
 - v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.211(b) is met.

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- B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard under Section 726.205(b);
 - C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.
- 4) Requirements to ensure conformance with the metals emissions standard.
- A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:
 - i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified under provisions of subsection (e)(6), ~~below of~~ this Section;
 - ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6), ~~below of~~ this Section; and
 - iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;
 - B) For conformance with the Tier II metals emission rate screening limits under Section 726.206(c) and the Tier III metals controls under Section 726.206(d), the permit must specify the following operating requirements:
 - i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A), ~~below of~~ this Section;
 - iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6), ~~below of~~ this Section: total feed streams; total hazardous

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- waste feed; and total pumpable hazardous waste feed;
- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
 - ix) Allowable variation in BIF system design including any APCS or operating procedures; and
 - x) Such other operating requirements as are necessary to ensure that the metals standards under Sections 726.206(c) or (d) are met.
- C) For conformance with an alternative implementation approach approved by the Agency under Section 726.206(f), the permit must specify the following operating requirements:
- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A), ~~below of this Section~~;

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- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6); ~~below of this Section~~: total hazardous waste feed; and total pumpable hazardous waste feed;
 - iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6); ~~below of this Section~~;
 - v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6); ~~below of this Section~~;
 - vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6); ~~below of this Section~~;
 - vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6); ~~below of this Section~~;
 - viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
 - ix) Allowable variation in BIF system design including any APCS or operating procedures; and
 - x) Such other operating requirements as are necessary to ensure that the metals standards under Sections 726.206(c) or (d) are met.
- 5) Requirements to ensure conformance with the HCl and chlorine gas standards.
- A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:
 - i) Feed rate of total chlorine and chloride in hazardous waste,

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- other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
- ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~; and
 - iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;
- B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits under Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls under Section 726.207(c), the permit must specify the following operating requirements:
- i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6), ~~below of this Section~~;
 - v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
 - vi) Allowable variation in BIF system design including any APCS or operating procedures; and
 - vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards under Section 726.207(b)(2) or (c) are met.

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- 6) Measuring parameters and establishing limits based on trial burn data.
- A) General requirements. As specified in subsections (e)(2) through (e)(5), ~~above of this Section~~, each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:
- i) Instantaneous limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or
 - ii) Hourly rolling average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section ~~726.200(g)~~ 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.
- B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section ~~726.200(g)~~ 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A), ~~above of this Section~~, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:
- i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;
 - ii) Terms are as defined in Section ~~726.200(g)~~ 726.200(i); and
 - iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

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- C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B), above of this Section.
- D) Conduct of trial burn testing.
- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
- ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.
- iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the ~~pollutant(s)~~ pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).
- 7) General requirements.
- A) Fugitive emissions. Fugitive emissions must be controlled ~~by~~ in one of the following ways:

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- i) ~~Keeping~~ By keeping the combustion zone totally sealed against fugitive emissions; or
 - ii) ~~Maintaining~~ By maintaining the combustion zone pressure lower than atmospheric pressure; or
 - iii) ~~An alternate~~ By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.
- B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established under this Section. In addition, the following requirements apply:
- i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber,
 - ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and
 - iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency ~~shall~~ must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.
- C) Changes. A BIF must cease burning hazardous waste when combustion properties; or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or

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operating conditions deviate from the limits as specified in the permit.

- 8) Monitoring and Inspections.
- A) The owner or operator ~~shall~~ must monitor and record the following, at a minimum, while burning hazardous waste:
- i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks, and feed rates of ash, metals, and total chlorine and chloride;
 - ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B), ~~above of~~ this Section. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I (~~“eye”~~) of this Part.
 - iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.
- B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.
- C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.
- D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every ~~7~~ seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will

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unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

- E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.
- 9) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator ~~shall~~ must comply with Section 726.211.
- 10) Recordkeeping. The owner or operator ~~shall~~ must keep in the operating record of the facility all information and data required by this Section until closure of the facility.
- 11) Closure. At closure, the owner or operator ~~shall~~ must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the BIF.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.203 Interim Status Standards for Burners

- a) Purpose, scope, and applicability.
 - 1) General.
 - A) The purpose of this Section is to establish minimum national standards for owners and operators of “existing” BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.
 - B) “Existing” or “in existence” means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b), incorporated by reference in

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subsection (b) ~~below~~ of this Section; provided, however, that USEPA has not determined that the certification is invalid.

- C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator ~~shall~~ must comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.
- 2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under ~~Sections~~ Section 726.200(b) or 726.208.
- 3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA hazardous waste numbers F020, F021, F022, F023, F026₂, and F027.
- 4) Applicability of 35 Ill. Adm. Code 725 standards. ~~Owners and operators~~ An owner or operator of BIFs-a BIF that burn-burns hazardous waste and are-which is operating under interim status are-is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
- A) In Subpart A of ~~this Part~~ 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;
- B) In Subpart B of ~~this Part~~ 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
- C) In Subpart C of ~~this Part~~ 35 Ill. Adm. Code 725 (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
- D) In Subpart D of ~~this Part~~ 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
- E) In Subpart E of ~~this Part~~ 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and

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725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

- F) In Subpart G of ~~this Part~~ 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;
 - G) In Subpart H of ~~this Part~~ 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and
 - H) In Subpart BB of ~~this Part~~ 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).
- 5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B) ~~above of this Section~~) at any location other than the hot end where products are normally discharged or where fuels are normally fired:
- A) Controls.
 - i) The hazardous waste must be fed at a location where combustion gas ~~temperatures are~~ temperature is at least 1800° F;
 - ii) The owner or operator ~~shall~~ must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
 - iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
 - iv) The HC controls of Section 726.204(f) or subsection (c)(5) ~~below of this Section~~ apply upon certification of compliance under subsection (c) below of this Section, irrespective of the CO level achieved during the

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compliance test.

- B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than “solely as an ingredient” if it meets either of ~~these~~ the following criteria:
- i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721. ~~Appendix H~~, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or
 - ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.
- 6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c) ~~below of this Section, owners and operators shall~~ an owner or operator must not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that the following may occur:

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- A) Hazardous waste may be burned solely as an ingredient;~~or~~
- B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours;~~or~~
- C) Such waste may be burned if the Agency has documentation to show that; the following was true prior to August 21, 1991:
- i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, Subparts O or P of 35 Ill. Adm. Code 725.~~Subparts O or P; and~~
 - ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35 Ill. Adm. Code 725.~~Subparts O or P; and~~
 - iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or
- D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.
- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator ~~shall~~ must comply with Section 726.211.
- b) Certification of precompliance. This subsection corresponds with 40 CFR 266.103(b), under which USEPA required certain owners and operators to file a certification of precompliance by August 21, 1991. No similar filing with the Agency was required, so the Board did not incorporate the federal filing requirement into the Illinois regulations. This statement maintains structural parity with the federal regulations.
- 1) ~~The Board incorporates by reference 40 CFR 266.103(b)(1992); amended at 57 Fed. Reg. 38564, August 25, 1992. This Section incorporates no later editions or amendments.~~
 - 2) ~~Certain owners and operators were required to file a certification of~~

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~~precompliance with USEPA by August 21, 1991, pursuant to 40 CFR 266.103(b). No separate filing is required with the Agency.~~

- c) Certification of compliance. The owner or operator ~~shall~~ must conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207, and subsection (a)(5)(A)(iv) ~~above of this Section~~ under the procedures prescribed by this subsection (c), except under extensions of time provided by subsection (c)(7) ~~below of this Section~~. Based on the compliance test, the owner or operator ~~shall~~ must submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4) ~~below of this Section~~) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1) ~~below of this Section~~.
- 1) Limits on operating conditions. The owner or operator ~~shall~~ must establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D) ~~below of this Section~~) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of ~~Section~~ Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) ~~above of this Section~~ at all times when there is hazardous waste in the unit.
- A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;
- B) Feed rate of each metal in the following feedstreams:
- i) Total feedstreams, except that industrial furnaces ~~that~~ which must comply with the alternative metals implementation approach under subsection (c)(3)(B) ~~below of this Section~~ must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined under subsection 726.206(b) or (e) of this Section;

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BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (c)(1)(ii)(A)(2) are condensed into ~~the above~~-subsection (c)(1)(B)(i).

- ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and
- iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under ~~subsection~~ Section 726.206-(b) or (e));
- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under ~~subsection~~ Section 726.207(b)(1) or (e);
- D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;
- E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;
- F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under ~~subsection~~ Section 726.207(b)(1) or (e) and for all metals under ~~subsection~~ Section 726.207(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under ~~subsection~~ Section 726.205;
- G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with

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the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

- H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum liquid to flue gas ratio;
 - ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
 - iii) Minimum pH level of the scrubber water;
- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
 - i) Minimum caustic feed rate; and
 - ii) Maximum flue gas flow rate;
- L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

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- i) Minimum electrical power in kVA to the precipitator plates; and
 - ii) Maximum flue gas flow rate;
- M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).
- 2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3)~~below of this Section~~, the owner or operator ~~shall~~ must notify the Agency and submit the following information:
- A) General facility information including:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and address;
 - iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;
 - iv) Planned date of the compliance test;
 - B) Specific information on each device to be tested, including the following:
 - i) A Description of BIF;
 - ii) A scaled plot plan showing the entire facility and location of the BIF;
 - iii) A description of the APCS;
 - iv) Identification of the continuous emission monitors that are installed, including the following: _CO monitor; Oxygen

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- monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150° C, an explanation of why a heated system is not used (see subsection (c)(5)-~~below of this Section~~) and a brief description of the sample gas conditioning system;
- v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and
- vi) Other information useful to an understanding of the system design or operation; and
- C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:
- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1)-~~above of this Section~~.
- 3) Compliance testing.
- A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b)-~~above of this Section~~ and under conditions established in the notification of compliance testing required by subsection (c)(2)-~~above of this Section~~. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator ~~shall~~ must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency ~~shall~~ must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and

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the data from the other compliance test is adequate to meet the requirements of this subsection (c).

- B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS ~~shall~~ must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):
- i) The special testing requirements prescribed in “Alternative Method for Implementing Metals Controls” in ~~Section 726.Appendix I to this Part;~~ ~~or~~
 - ii) Stack emissions testing for a minimum of ~~6~~ six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1) ~~above of this Section~~) must be established during compliance testing under this subsection (c)(3) only on the following parameters: ~~Feed-feed~~ rate of total hazardous waste; ~~Total-total~~ feed rate of total chlorine and chloride in total feed streams; ~~Total-total~~ feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; ~~Maximum and maximum~~ production rate of the device in appropriate units when producing normal product; or
 - iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) ~~above of this Section~~ only after the kiln system has been conditioned to enable it to

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reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

- C) Conduct of compliance testing.
- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
 - ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with ~~subsections~~ subsection (c)(3)(B)(i) or (c)(3)(B)(ii) above of this Section, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.
 - iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the ~~pollutant(s)~~ pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1) ~~above~~ of this Section.
- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator ~~shall~~ must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e);₂ 726.205;₂ 726.206;₂ 726.207;₂ and subsection (a)(5)(A)(iv) ~~above~~ of this

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Section. The certification of compliance must include the following information:

- A) General facility and testing information, including the following:
- i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number, and address;
 - iii) Person responsible for conducting compliance testing, including company name, address, and telephone number, and a statement of qualifications;
 - iv) ~~Date(s)~~ Dates of each compliance test;
 - v) Description of BIF tested;
 - vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary;
 - vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) ~~above~~ of this Section and an explanation of why the changes were necessary;
 - viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) ~~above~~ of this Section and an explanation of why the changes were necessary; and
 - ix) The complete report on results of emissions testing.
- B) Specific information on each test, including the following:
- i) ~~Purpose(s)~~ Purposes of test (e.g., demonstrate conformance

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with the emissions limits for PM, metals, HCl, chlorine gas, and CO);

- ii) Summary of test results for each run and for each test including the following information: ~~Date~~ date of run; ~~Duration~~ duration of run; ~~Time-weighted~~ time-weighted average and highest hourly rolling average CO level for each run and for the test; ~~Highest~~ highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; ~~If~~ if dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section ~~726.200(g)~~ 726.200(i)); ~~Time-Weighted~~ time-weighted average PM emissions for each run and for the test; ~~Time-Weighted~~ time-weighted average HCl and chlorine gas emissions for each run and for the test; ~~Time-Weighted~~ time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.
- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c)₂ and (e)₂; 726.205₂; 726.206₂ and 726.207 and established for the facility in the certification of precompliance under subsection (b) ~~above of~~ this Section.
- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) ~~above of~~ this Section using one of the following procedures:
- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.
 - ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an

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hourly rolling average basis, as defined in Section 726.200(g) 726.200(i). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.

- iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) ~~above of this Section~~ or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from ~~2~~ two to 24 hours the following must occur: The the feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; The the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor is and the rolling average for the selected averaging period are as defined in Section 726.200(g) 726.200(i). ~~And the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.~~
- iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii) ~~above of this Section~~.
- E) Certification of compliance statement. The following statement must accompany the certification of compliance:

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“I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results, and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted.”

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by ~~Sections~~ Section 726.204(c) or subsection (a)(5)(A)(iv) ~~above of this Section~~, a conditioned gas monitoring system may be used in conformance with specifications provided in ~~Section 726. Appendix I to this Part~~ provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7) ~~below of this Section~~.
- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must do the following:
 - A) When complying with the requirements of subsection (c)(3)(B)(i) ~~above of this Section~~, comply with the operating requirements prescribed in “Alternative Method to Implement the Metals Controls” in ~~Section 726. Appendix I to this Part~~; and

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- B) When complying with the requirements of subsection (c)(3)(B)(ii) ~~above of this Section~~, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
- A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992, the owner or operator ~~shall~~ must do the following:
- i) Stop burning hazardous waste and begin closure activities under subsection (1) ~~below of this Section~~ for the hazardous waste portion of the facility; ~~or~~
 - ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or
 - iii) Obtain a case-by-case extension of time under subsection (c)(7)(B) ~~below of this Section~~.
- B) Case-by-case extensions of time. See Section 726.219.
- 8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:
- A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the

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applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207;

- B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator ~~shall~~ must notify the Agency and submit the following information:
- i) USEPA facility ID number, and facility name, contact person, telephone number, and address;
 - ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
 - iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the owner or operator ~~shall~~ must submit the applicable information required under subsection (b)(2) ~~above~~ of this Section; and
 - iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol ~~shall~~ must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator ~~shall~~ must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;
- C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and

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- D) Submit a revised certification of compliance under subsection (c)(4)-~~above~~ of this Section.
- d) Periodic Recertifications. The owner or operator ~~shall~~ must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c)-~~above~~ of this Section within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator ~~shall~~ must comply with the requirements of subsection (c)(8)-~~above~~ of this Section.
- e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c), and (d)-~~above~~ of this Section, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (l) ~~below~~ of this Section, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (l)-~~below~~ of this Section and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received “the known final volume of hazardous waste” on the date the deadline is missed.
- f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.
- g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3)-~~above~~ of this Section and upon certification of compliance under subsection (c)-~~above~~ of this Section, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) ~~above~~ of this Section deviate from those established in the certification of compliance. In addition, the following must occur:
- 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either of the following:

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- A) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
- B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
- 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled by as follows:
- 1) ~~Keeping~~ By keeping the combustion zone totally sealed against fugitive emissions; or
- 2) ~~Maintaining~~ By maintaining the combustion zone pressure lower than atmospheric pressure; or
- 3) ~~An alternate~~ By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.
- i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.
- j) Monitoring and Inspections.
- 1) The owner or operator ~~shall~~ must monitor and record the following, at a minimum, while burning hazardous waste:
- A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks; and feed rates of ash, metals, and

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total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;

- B) CO, oxygen₂ and, if applicable, HC₇ on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC₁ and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in ~~Section~~ 726.Appendix I to this Part; and
- C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.
- 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.
- 3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every ~~7~~seven days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.
- 4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.
- k) Recordkeeping. The owner or operator ~~shall~~ must keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.
- l) Closure. At closure, the owner or operator ~~shall~~ must remove all hazardous waste

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and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and ~~shall~~ must comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.204 Standards to Control Organic Emissions

a) DRE standard.

- 1) General. Except as provided in subsection (a)(3) of this Section, a BIF burning hazardous waste must achieve a DRE of 99.99 percent for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99 percent DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2) of this Section) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$\text{DRE} = 100 \frac{(I - O)}{I}$$

~~where~~ Where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ that are also present in the normal waste feed. However,

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if the applicant demonstrates to the Agency that a compound not listed in Appendix H to 35 Ill. Adm. Code 721-Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999 percent for each POHC designated (under subsection (a)(2) of this Section) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1) of this Section. In addition, the owner or operator of the BIF ~~shall~~ must notify the Agency of intent to burn USEPA ~~Hazardous Waste Nos.~~ hazardous waste numbers F020, F021, F022, F023, F026, or F027.
 - 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) of this Section and are exempt from the DRE trial burn.
 - 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) of this Section and are exempt from the DRE trial burn.
- b) CO standard.
- 1) Except as provided in subsection (c) of this Section, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to ~~7~~seven percent oxygen, dry gas basis.
 - 2) CO and oxygen must be continuously monitored in conformance with “Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste” in ~~Section 726.~~ Appendix I to this Part.

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- 3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.
- c) Alternative CO standard.
- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f) of this Section for certain industrial furnaces.
 - 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to ~~7~~seven percent oxygen, dry gas basis.
 - 3) HC must be continuously monitored in conformance with “Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste” in ~~Section 726. Appendix I to this Part.~~ CO and oxygen must be continuously monitored in conformance with subsection (b)(2) of this Section.
 - 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to ~~7~~seven percent oxygen, dry gas basis.
- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsection (c) or (f) of this Section irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b) of this Section.
- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped

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with a dry PM control device that operates within the temperature range of 450° through 750° F, and industrial furnaces operating under an alternative HC limit established under subsection (f) of this Section ~~shall~~ must conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1×10^{-5} (1 in 100,000):

- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method 0023A, "Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111;
- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in ~~Section 726~~. Appendix I to this Part. Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
- 3) Conduct dispersion modeling using methods recommended in 40 CFR 51, Appendix W, as incorporated by reference at 35 Ill. Adm. Code 720.111 ("Guideline on Air Quality Models (Revised)" (1986) and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure," provided in Appendix I, or in "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2) of this Section. The maximum annual average on-site concentration must be used when a person resides on-site; and
- 4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in ~~Section 726~~. Appendix E to this Part

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~~(2.2×10⁻⁷)~~(2.2×10⁻⁷) must not exceed 1.0.

- f) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c), and (d) of this Section by monitoring in the by-pass duct provided that the following conditions are fulfilled:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
 - 2) The by-pass duct diverts a minimum of 10 percent of kiln off-gas into the duct.
- g) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) of this Section and comprehensive organic emissions testing under subsection (f) of this Section is conducted.
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is “information” justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.205 Standards to ~~control~~Control PM

- a) A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard ~~cu-m³~~ (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of ~~7% seven percent~~ oxygen, using procedures prescribed in 40 CFR 60, Appendix A, methods 1 through 5, incorporated by reference in 35 Ill. Adm. Code 720.111, and incorporated by reference in Appendix I of this Part.
- b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.

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- c) Oxygen correction.
- 1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the following formula:
- $$P_c = P_m \times 14 / (E - Y)$$
- Where:
- P_c is the corrected concentration of the pollutant in the stack gas,
- P_m is the measured concentration of the pollutant in the stack gas,
- E is the oxygen concentration on a dry basis in the combustion air fed to the device, and
- Y is the measured oxygen concentration on a dry basis in the stack.
- 2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.
- 3) Compliance with all emission standards provided by this Subpart H must be based on correcting to seven percent oxygen using this procedure.
- d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 ~~et seq~~ through 703.273.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.206 Standards to Control Metals Emissions

- a) General. The owner or operator ~~shall~~ must comply with the metals standards

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provided by subsections (b), (c), (d), (e), or (f) of this Section for each metal listed in subsection (b) of this Section that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in ~~Section 726. Appendix A to this Part~~ as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) of this Section.
- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the screening limits specified in ~~Section 726. Appendix A to this Part~~.
- A) The feed rate screening limits for antimony, barium, mercury, thallium, and silver are based on either of the following:
- i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
- ii) An instantaneous limit not to be exceeded at any time.
- B) The feed rate screening limit for lead is based on one of the following:
- i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);
- ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
- iii) An instantaneous limit not to be exceeded at any time.
- 2) Carcinogenic metals.

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- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed values derived from the screening limits specified in ~~Section 726. Appendix A to this Part~~. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in ~~Section 726. Appendix A to this Part~~ must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A_i}{F_i} \leq 1.0$$

~~where~~ Where:

$\Sigma A_i/F_i$ means the sum of the values of A/F for each metal "i," from i = 1 to n.

n = number of carcinogenic metals.

A_i = the actual feed rate to the device for metal "i,"

F_i = the feed rate screening limit provided by ~~Section 726. Appendix A to this Part~~ for metal "i,"

- B) The feed rate screening limits for the carcinogenic metals are based on either:
- i) An hourly rolling average; or
 - ii) An averaging period of ~~2~~two to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.
- 3) TESH (terrain adjusted effective stack height).
- A) The TESH is determined according to the following equation:

$$TESH = H + P - T$$

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~~where~~ Where:

H = Actual physical stack height (m).

P = Plume rise (in m) as determined from ~~Section 726. Appendix F~~ to this Part as a function of stack flow rate and stack gas exhaust temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in ~~Section 726.200(e)~~ 726.200(i).
- C) If the TESH calculated pursuant to subsection (b)(3)(A) of this Section is not listed in ~~Sections 726. Appendix A through 726. Appendix C~~ to this Part, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.
- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within five kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.
- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in ~~Section 726. Appendix I or Section 726. Appendix J~~ to this Part ~~shall~~ must be used.
- 6) Multiple stacks. ~~Owners and operators~~ An owners or operator of facilities a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls ~~shall~~ must comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

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The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \times V \times T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate (~~m³/sec~~ m³/sec (cubic meters per second); and

T = exhaust temperature (degrees K).

- 7) Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities ~~shall~~ must comply with either the Tier III standards provided by subsection (d) of this Section or with the adjusted Tier I feed rate screening limits provided by subsection (e) of this Section.
- A) The device is located in a narrow valley less than one kilometer wide;
 - B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;
 - C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake; or
 - D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building.
- 8) Implementation. The feed rate of metals in each feedstream must be

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monitored to ensure that the feed rate screening limits are not exceeded.

- c) Tier II emission rate screening limits. Emission rate screening limits are specified in ~~Section 726. Appendix A to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) of this Section.
- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in ~~Section 726. Appendix A to this Part~~.
 - 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in ~~Section 726. Appendix A to this Part~~. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in ~~Section 726. Appendix A to this Part~~ must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A_i}{E_i} \leq 1.0$$

~~where~~ Where:

$\Sigma A_i/E_i$ means the sum of the values of A/E for each metal "i", from i = 1 to n.

n = number of carcinogenic metals.

A_i = the actual emission rate to the device for metal "i".

E_i = the emission rate screening limit provided by ~~Section 726. Appendix A to this Part~~ for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) of this Section. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

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- 4) Definitions and limitations. The definitions and limitations provided by subsection (b) of this Section and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.
- 5) Multiple stacks.
 - A) ~~Owners and operators~~ An owner or operator of facilities a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls ~~shall~~ must comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
 - B) The worst-case stack is determined by procedures provided in subsection (b)(6) of this Section.
 - C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.
- d) Tier III site-specific risk assessment. The requirements of this subsection (d) apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.
 - 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.
 - 2) Acceptable ambient levels. ~~Sections 726. Appendix D and 726. Appendix E to this Part~~ list the acceptable ambient levels for purposes of this Subpart H. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1×10^{-5} RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more

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than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD₂ as described in subsection (d)(3) of this Section.

- 3) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\sum_{i=1}^n \frac{P_i}{R_i} \leq 1.0$$

~~where~~ Where:

$\Sigma P_i/R_i$ means the sum of the values of P/R for each metal "i," from i = 1 to n.

n = number of carcinogenic metals.

P_i = the predicted ambient concentration for metal i.

R_i = the RSD for metal i.

- 4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.
- 5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator₂ or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls ~~shall~~ must conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an ~~exceedance~~ exceedence of the acceptable ambient levels.
- 6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate

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averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) of this Section. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

- e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by ~~Section 726. Appendix A to this Part~~ to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by ~~Sections 726. Appendix D and 726. Appendix E to this Part~~ using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2) of this Section.
- f) Alternative implementation approaches.
 - 1) Pursuant to subsection (f)(2) of this Section the Agency ~~shall~~ must approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsection (c) or (d) of this Section alternative to monitoring the feed rate of metals in each feedstream.
 - 2) The emission limits provided by subsection (d) of this Section must be determined as follows:
 - A) For each noncarcinogenic metal, by back-calculating from the RAC provided in ~~Section 726. Appendix D to this Part~~ to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h) of this Section; and
 - B) For each carcinogenic metal by the following methods:
 - i) ~~Back-calculating~~ By back-calculating from the RSD provided in ~~Section 726. Appendix E to this Part~~ to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in

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conformance with subsection (h) of this Section; and

- ii) If more than one carcinogenic metal is emitted, by selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i) of this Section, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.
- g) Emission testing.
 - 1) General. Emission testing for metals must be conducted using Method 0060, "Determinations of Metals in Stack Emissions," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Method 0061, "Determination of Hexavalent Chromium Emissions from Stationary Sources," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- h) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in 40 CFR 51, appendix W ("Guideline on Air Quality Models (Revised)" (1986) and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure" described in ~~Section 726. Appendix I to this Part~~, or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised" (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.
- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270-~~et seq~~ through 703.273.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

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Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

- a) General. The owner or operator ~~shall~~ must comply with the HCl and chlorine gas controls provided by ~~subsections~~ subsection (b), (c), or (e), below of this Section.
- b) Screening limits.
 - 1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in ~~Section 726. Appendix B to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the levels specified.
 - 2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in ~~Section 726. Appendix C to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.
 - 3) Definitions and limitations. The definitions and limitations provided by ~~Section Sections~~ 726.200(g)-726.200(i) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.
 - 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls ~~shall~~ must comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
 - A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).
 - B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.

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- C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.
- c) Tier III site-specific risk assessments.
- 1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.
 - 2) Acceptable ambient levels. ~~Section 726. Appendix D to this Part~~ lists the RACs for HCl (7 ug/~~eu~~-mm³) and chlorine gas (0.4 ug/~~eu~~-mm³).
 - 3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls ~~shall~~ must conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an ~~exceedance~~ exceedence of the acceptable ambient levels for HCl and chlorine gas.
- d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels, and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either of the following:
- 1) An hourly rolling average, as defined in ~~Section~~ Sections 726.200(g) 726.200(i) and 726.202(e)(6); or
 - 2) An instantaneous basis not to be exceeded at any time.
- e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by ~~Section~~ Section 726. Appendix B to this Part to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable

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ambient level for chlorine gas provided by ~~Section 726. Appendix D~~ to this Part using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

- f) Emissions testing. Emissions testing for HCl and chlorine gas (Cl_2) must be conducted using the procedures described in Method 0050 or 0051, USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is “information” justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 ~~et seq~~ through 703.273.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.208 ~~Small quantity~~ Quantity On-site ~~On-site~~ On-Site Burner Exemption

- a) Exempt quantities. ~~Owners and operators~~ An owner or operator of facilities a facility that burn-burns hazardous waste in an on-site BIF ~~are is~~ exempt from the requirements of this Subpart H provided that the following conditions are fulfilled:
 - 1) The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in the Table A based on the $TESH_2$ as defined in ~~Section Sections-726.200(g)~~ 726.200(i) and 726.206(b)(3).
 - 2) The maximum hazardous waste firing rate does not exceed at any time 4 one percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste;
 - 3) The hazardous waste has a minimum heating value of 5,000 Btu/lb, as generated; and
 - 4) The hazardous waste fuel does not contain (and is not derived from) USEPA ~~Hazardous Waste Nos.~~ hazardous waste numbers F020, F021,

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F022, F023, F026, or F027.

- b) Mixing with nonhazardous fuels. If hazardous waste fuel is mixed with a nonhazardous fuel, the quantity of hazardous waste before such mixing is used to comply with subsection (a), ~~above~~ of this Section.
- c) Multiple stacks. If an owner or operator burns hazardous waste in more than one on-site BIF exempt under this Section, the quantity limits provided by subsection (a)(1), ~~above~~ of this Section, are implemented according to the following equation:

$$\text{SUM}(C_i/L_i) = 1.0$$

$$\sum_{i=1}^n \frac{C_i}{L_i} \leq 1.0$$

~~where~~ Where:

~~SUM(Xi)~~ S (C_i/L_i) means = the sum of the values of X for each stack i, from i = 1 to n.

n means the number of stacks;

~~C_i~~ C_i = Actual Quantity Burned means the waste quantity burned per month in device "i";

~~L_i~~ L_i = Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from Table A.

BOARD NOTE: Hazardous wastes that are subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105 may be burned in an off-site device under the exemption provided by Section 726.208, but must be included in the quantity determination for the exemption.

- d) Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under this Section ~~shall~~ must provide a one-time signed, written notice to the Agency indicating the following:
- 1) The combustion unit is operating as a small quantity burner of hazardous waste;

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- 2) The owner and operator are in compliance with the requirements of this Section; and
 - 3) The maximum quantity of hazardous waste that the facility is allowed to burn per month as provided by Section 726.208(a)(1).
- e) Recordkeeping requirements. The owner or operator ~~shall~~ must maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate and heating value limits of this Section. At a minimum, these records must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month and the heating value of the hazardous waste.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.209 ~~Low risk waste~~ Risk Waste Exemption

- a) Waiver of DRE standard. The DRE standard of Section 726.204(a) does not apply if the BIF is operated in conformance with subsection (a)(1), ~~below of this Section~~, and the owner or operator demonstrates by procedures prescribed in subsection (a)(2), ~~below of this Section~~, that the burning will not result in unacceptable adverse health effects.
- 1) The device must be operated as follows:
 - A) A minimum of 50 percent of fuel fired to the device must be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;
 - B) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb;
 - C) The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and

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- D) The device operates in conformance with the CO controls provided by Section 726.204(b)(1). Devices subject to the exemption provided by this Section are not eligible for the alternative CO controls provided by Section 726.204(c).
- 2) Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:
- A) Identify and quantify those nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, ~~Appendix H~~, that could reasonably be expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;
- B) Calculate reasonable, worst case emission rates for each constituent identified in subsection (a)(2)(A), ~~above of this Section~~, by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of each constituent fed to the device is emitted.
- C) For each constituent identified in subsection (a)(2)(A), ~~above of this Section~~, use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.
- i) Dispersion modeling must be conducted using methods specified in Section 726.206(h).
- ii) ~~Owners and operators~~ An owner or operator of facilities a facility with more than one on-site stack from a BIF that is exempt under this Section ~~shall~~ must conduct dispersion modeling of emissions from all stacks exempt under this Section to predict ambient levels prescribed by this subsection (a)(2).
- D) Ground level concentrations of constituents predicted under subsection (a)(2)(C), ~~above of this Section~~, must not exceed the following levels:
- i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D;

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- ii) For the carcinogenic compounds listed in Appendix E:

$$\text{SUM}(A_i/L_i) \leq 1.0$$

$$\sum_{i=1}^n \frac{A_i}{L_i} \leq 1.0$$

~~where~~ Where:

~~SUM(Xi)~~ $\text{SUM}(A_i/L_i)$ means the sum of the values of X for each carcinogen i, from i = 1 to n.

n means the number of carcinogenic compounds;

~~Ai~~ A_i = Actual ground level concentration of carcinogen "i";

~~Li~~ L_i = Level established in Appendix E for carcinogen "i"; and

- iii) For constituents not listed in Appendix D or E, 0.1 ~~ug/cu~~ ug/m³.
- b) Waiver of particular matter standard. The PM standard of Section 726.205 does not apply if the following occur:
- 1) The DRE standard is waived under subsection (a), ~~above of this Section~~; and
 - 2) The owner or operator complies with the Tier I, or adjusted Tier I, metals feed rate screening limits provided by Section 726.206(b) or (e).

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.210 Waiver of DRE ~~trial burn~~ Trial Burn for Boilers

Boilers that operate under the special requirements of this Section, and that do not burn hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. ~~hazardous waste numbers~~ F020, F021, F022, F023, F026, or F027, are considered to be in conformance with the DRE standard of Section 726.204(a), and a trial burn to demonstrate DRE is waived. When burning hazardous waste:

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- a) A minimum of 50 percent of fuel fired to the devices must be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;
- b) Boiler load must not be less than 40 percent. Boiler load is the ratio at any time of the total heat input to the maximum design heat input;
- c) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb, and each material fired in a burner where hazardous waste is fired must have a heating value of at least 8,000 Btu/lb, ~~as-fired~~ as fired;
- d) The device must operate in conformance with the CO standard provided by Section 726.204(b)(1). Boilers subject to the waiver of the DRE trial burn provided by this Section are not eligible for the alternative CO standard provided by Section 726.204(c);
- e) The boiler must be a water tube type boiler that does not feed fuel using a stoker or stoker type mechanism; and
- f) The hazardous waste must be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system or a rotary cup atomization system under the following conditions:
 - 1) Viscosity. The viscosity of the hazardous waste fuel ~~as-fired~~ as fired must not exceed 300 SSU;
 - 2) Particle size. When a high pressure air or steam atomizer, low pressure atomizer or mechanical atomizer is used, ~~70%-70 percent~~ 70 percent of the hazardous waste fuel must pass through a 200 mesh (74 micron) screen, and when a rotary cup atomizer is used, ~~70%-70 percent~~ 70 percent of the hazardous waste must pass through a 100 mesh (150 micron) screen;
 - 3) Mechanical atomization systems. Fuel pressure within a mechanical atomization system and fuel flow rate must be maintained within the design range taking into account the viscosity and volatility of the fuel;

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- 4) Rotary cup atomization systems. Fuel flow rate through a rotary cup atomization system must be maintained within the design range taking into account the viscosity and volatility of the fuel.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.211 Standards for ~~direct~~ Direct Transfer

- a) Applicability. The regulations in this Section apply to owners and operators of BIFs subject to ~~Sections~~ Section 726.202 or 726.203 if hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit.
- b) Definitions.
 - 1) When used in this Section, ~~the following~~ terms have the following meanings ~~given below~~:

“Direct transfer equipment” means any device (including but not limited to, such devices as piping, fittings, flanges, valves and pumps) that is used to distribute, meter or control the flow of hazardous waste between a container (i.e., transport vehicle) and a BIF.

“Container” means any portable device in which hazardous waste is transported, stored, treated, or otherwise handled, and includes transport vehicles that are containers themselves (e.g., tank trucks, tanker-trailers, and rail tank cars) and containers placed on or in a transport vehicle.
 - 2) This Section references several requirements provided in Subparts I and J of 35 Ill. Adm. Code 724 and Subparts I and J of 35 Ill. Adm. Code 725. ~~Subparts I and J.~~ For purposes of this Section, the term “tank systems” in those referenced requirements means direct transfer equipment, as defined in subsection (b)(1), ~~above~~ of this Section.
- c) General operating requirements.
 - 1) No direct transfer of a pumpable hazardous waste must be conducted from an open-top container to a BIF.
 - 2) Direct transfer equipment used for pumpable hazardous waste must

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always be closed, except when necessary to add or remove the waste, and must not be opened, handled, or stored in a manner that could cause any rupture or leak.

- 3) The direct transfer of hazardous waste to a BIF must be conducted so that it does not do any of the following:
 - A) Generate extreme heat or pressure, fire, explosion, or violent reaction;
 - B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
 - C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - D) Damage the structural integrity of the container or direct transfer equipment containing the waste;
 - E) Adversely affect the capability of the BIF to meet the standards provided by Sections 726.204 through 726.207; or
 - F) Threaten human health or the environment.
 - 4) Hazardous waste must not be placed in direct transfer equipment, if it could cause the equipment or its secondary containment system to rupture, leak, corrode, or otherwise fail.
 - 5) The owner or operator of the facility ~~shall~~ must use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems. These include the following at a minimum:
 - A) Spill prevention controls (e.g., check valves, dry discount couplings, etc.); and
 - B) Automatic waste feed cutoff to use if a leak or spill occurs from the direct transfer equipment.
- d) Areas where direct transfer vehicles (containers) are located. Applying the definition of container under this Section, owners and operators ~~shall~~ must

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comply with the following requirements:

- 1) The containment requirements of 35 Ill. Adm. Code 724.275;
 - 2) The use and management requirements of Subpart I of 35 Ill. Adm. Code 725.275, except for Sections 725.270 and 725.274, and except that in lieu of the special requirements of 35 Ill. Adm. Code 725.276 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon, as required in Tables 2-1 through 2-6 of NFPA 30 (incorporated by reference in 35 Ill. Adm. Code 720.111). The owner or operator ~~shall~~ must obtain and keep on file at the facility a written certification by the local Fire Marshal that the installation meets the subject NFPA Codes; and
 - 3) The closure requirements of 35 Ill. Adm. Code 724.278.
- e) Direct transfer equipment. Direct transfer equipment must meet the following requirements:
- 1) Secondary containment. Owners and operators ~~shall~~ must comply with the secondary containment requirements of 35 Ill. Adm. Code 725.293-, except for Sections 725.293(a), (d), (e), and (i), as follows:
 - A) For all new direct transfer equipment, prior to their being put into service; and
 - B) For existing direct transfer equipment, by August 21, 1993.
 - 2) Requirements prior to meeting secondary containment requirements.
 - A) For existing direct transfer equipment that does not have secondary containment, the owner or operator ~~shall~~ must determine whether the equipment is leaking or is unfit for use. The owner or operator ~~shall~~ must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 703.126(d) that attests to the equipment's integrity by August 21, 1992.

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- B) This assessment must determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the ~~waste(s)~~ wastes to be transferred to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:
- i) Design ~~standard(s)~~ standards, if available, according to which the direct transfer equipment was constructed;
 - ii) Hazardous characteristics of the ~~waste(s)~~ wastes that have been or will be handled;
 - iii) Existing corrosion protection measures;
 - iv) Documented age of the equipment, if available, (otherwise, an estimate of the age); and
 - v) Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion and erosion are accounted for.
- C) If, as a result of the assessment specified above, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator ~~shall~~ must comply with the requirements of 35 Ill. Adm. Code 725.296(a) and (b).
- 3) Inspections and recordkeeping.
- A) The owner or operator ~~shall~~ must inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the BIF:
- i) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;
 - ii) The above ground portions of the direct transfer equipment to detect corrosion, erosion, or releases of waste (e.g., wet spots, dead vegetation, etc.); and
 - iii) Data gathered from monitoring equipment and leak-

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detection equipment, (e.g., pressure and temperature gauges) to ensure that the direct transfer equipment is being operated according to its design.

- B) The owner or operator ~~shall~~ must inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 35 Ill. Adm. Code 725.295(b);.
- C) Records of inspections made under this subsection must be maintained in the operating record at the facility, and available for inspection for at least ~~3~~ three years from the date of the inspection.
- 4) Design and installation of new ancillary equipment. Owners and operators ~~shall~~ must comply with the requirements of 35 Ill. Adm. Code 725.292.
- 5) Response to leaks or spills. Owners and operators ~~shall~~ must comply with the requirements of 35 Ill. Adm. Code 725.296.
- 6) Closure. Owners and operators ~~shall~~ must comply with the requirements of 35 Ill. Adm. Code 725.297, except for 35 Ill. Adm. Code 725.297(c)(2) through (c)(4).

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8), unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:
 - 1) Boilers. Boilers must burn at least ~~50%~~ 50 percent coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
 - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least ~~50%~~ 50 percent by weight of normal, nonhazardous raw materials;
 - 3) Cement kilns. Cement kilns must process at least ~~50%~~ 50 percent by

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weight of normal cement-production raw materials;

- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:
- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain Appendix H to 35 Ill. Adm. Code 721~~Appendix H~~ constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721~~Appendix H~~ that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans (~~D/F~~), analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I of this Part.
 - A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at ~~95%-95 percent~~ 95 percent confidence with a ~~95%-95 percent~~ 95 percent proportion of the sample distribution) of the concentration in the normal residue ~~shall~~ must be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit

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in the normal residue, the owner or operator ~~shall~~ must use statistical procedures prescribed in “Statistical Methodology for Bevill Residue Determinations,” incorporated by reference in Appendix I of this Part.

- B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A) of this Section. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of “hazardous waste.” Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or
- 2) Comparison of waste-derived residue concentrations with health-based limits.
- A) Nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1) of this Section) in the waste-derived residue must not exceed the health-based level specified in Appendix G of this Part, or the level of detection (using analytical procedures prescribed in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G of this Part, then a limit of 0.002 mg/kg or the level of detection (using analytical procedures prescribed in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used. The levels specified in

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Appendix G of this Part (and the default level of 0.002 mg/kg or the level of detection for constituents, as identified in Note 1 of Appendix G of this Part) are administratively stayed under the condition, for those constituents specified in subsection (b)(1) of this Section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728.143 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728.143 for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans (D/F), analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans;

BOARD NOTE: In a note to corresponding 40 CFR 266.112(b)(2)(i) ~~(1999)~~ (2002), as amended at 64 Fed. Reg. 53076 ~~(Sept. 30, 1999)~~, USEPA stated as follows:

The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under Section 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless

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the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G of this Part;
 - C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and
- c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:
- 1) Levels of constituents in Appendix H to 35 Ill. Adm. Code 721-Appendix H that are present in waste-derived residues;
 - 2) If the waste-derived residue is compared with normal residue under subsection (b)(1) of this Section:
 - A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721-Appendix H that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

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(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.219 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator ~~shall~~ must file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.

- a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;
- b) When an owner and operator requests an extension of time to enable the facility to comply with the alternative hydrocarbon provisions of Section 726.204(f) and obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):
 - 1) The Board will do the following, in considering whether to grant the extension:
 - A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and
 - B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.
 - 2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii), ~~adopted at 56 Fed. Reg. 7206, February 21, 1991; 56 Fed. Reg. 32688, July 17, 1991; and 57 Fed. Reg. 38566, August 25, 1992 (2002).~~

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(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART M: MILITARY MUNITIONS

Section 726.300 Applicability

- a) The regulations in this Subpart M identify when military munitions become a solid waste, and, if these wastes are also hazardous under this Subpart M or 35 Ill. Adm. Code 721, the management standards that apply to these wastes.
- b) Unless otherwise specified in this Subpart M, all applicable requirements in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728 apply to waste military munitions.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.301 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart M:

“Active range” means a military range that is currently in service and is being regularly used for range activities.

“Chemical agents” and “chemical munitions” are defined as in the Department of Defense Authorization Act of 1986, 50 U.S.C. USC 1521(j)(1) ~~(1997)~~, incorporated by reference in 35 Ill. Adm. Code 720.111.

“Director” is as defined in 35 Ill. Adm. Code 702.110.

“Explosives or munitions emergency response specialist” is as defined in 35 Ill. Adm. Code 720.110.

“Explosives or munitions emergency” is as defined in 35 Ill. Adm. Code 720.110.

“Explosives or munitions emergency response” is as defined in 35 Ill. Adm. Code 720.110.

“Inactive range” means a military range that is not currently being used but which is still under military control and considered by the military to be a potential range area and which has not been put to a new use that is incompatible with range activities.

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“Military” means the United States (U.S.) Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE) or other parties under contract or acting as an agent for the foregoing who handle military munitions.

“Military munitions” is as defined in 35 Ill. Adm. Code 720.110.

“Military range” means designated land and water areas that are set aside; managed; and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems or areas that are set aside, managed, and used to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

“Unexploded ordnance” or “UXO” means military munitions that have been primed, fused, armed, or otherwise prepared for action and that have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.302 Definition of Solid Waste

- a) A military munition is not a solid waste when any of the following situations describes the munition:
 - 1) It is used for its intended purpose, including any of the following uses:
 - A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions);
 - B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or
 - C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, “use for intended purpose” does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

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- 2) It is an unused munition, or component thereof, it is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal, as defined in 35 Ill. Adm. Code 721.102(c)(1), or it is burned for energy recovery, as defined in 35 Ill. Adm. Code 721.102(c)(2).
- b) An unused military munition is a solid waste when any of the following occurs:
- 1) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in subsection (a) of this Section), incinerated, or treated prior to disposal;
 - 2) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, incinerated, or treated prior to disposal;
 - 3) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or
 - 4) The munition has been declared a solid waste by an authorized military official.
- c) A used or fired military munition is a solid waste when either of the following activities occurs with regard to the munition:
- 1) The munition is transported off-range or from the site of use (where the site of use is not a range) for the purpose of storage, reclamation, treatment, disposal, or treatment prior to disposal; or
 - 2) The munition is recovered, collected, and then disposed of by burial or landfilling either on or off a range.
- d) For purposes of RCRA section 1004(27) (42 ~~U.S.C.~~ USC 6903(27)-(1996)), a used or fired military munition is a solid waste, and, therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v) (42 ~~U.S.C.~~ USC 6924(u) and (v)-(1996)), and 3008(h) (42 ~~U.S.C.~~ USC 6928(h) (1996)) or to imminent and substantial endangerment authorities under section 7003 (42 ~~U.S.C.~~ USC 6963-(1996)) if the munition lands off-range and is not

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promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range ~~shall~~ must maintain a record of the event for as long as any threat remains. The record ~~shall~~ must include the type of munition and its location (to the extent the location is known).

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

- a) Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.
 - 1) Waste military munitions that are being transported and which exhibit a hazardous waste characteristic or which are listed as hazardous waste under 35 Ill. Adm. Code 721 are subject to regulation under 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728, unless the munitions meet all the following conditions:
 - A) The waste military munitions are not chemical agents or chemical munitions;
 - B) The waste military munitions are transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;
 - C) The waste military munitions are transported from a military-owned or -operated installation to a military-owned or -operated treatment, storage, or disposal facility; and
 - D) The transporter of the waste ~~shall~~ must provide oral notice to the Agency within 24 hours from the time when either the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) of this Section occurs that may endanger human health or the environment. In addition, a written submission describing the circumstances ~~shall~~ must be provided within five days from the time when the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) of this Section occurs.

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- 2) If any waste military munitions shipped under subsection (a)(1) of this Section are not received by the receiving facility within 45 days ~~of~~ after the day the waste was shipped, the owner or operator of the receiving facility ~~shall~~ must report this non-receipt to the Agency within five days.
 - 3) The conditional exemption from regulation as hazardous waste in subsection (a)(1) of this Section ~~shall~~ must apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment, or disposal.
 - 4) The conditional exemption in subsection (a)(1) of this Section applies only so long as all of the conditions in subsection (a)(1) of this Section are met.
- b) Reinstatement of conditional exemption.
- 1) If any waste military munition loses its conditional exemption under subsection (a)(1) of this Section, the transporter may file with the Agency an application for reinstatement of the conditional exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) of this Section.
 - 2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it ~~shall~~ must reinstate the conditional exemption of subsection (a)(1) of this Section in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption ~~shall~~ must be based on the nature of the risks to human health and the environment posed by the waste and either the transporter's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it ~~shall~~ must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption under subsection (a)(1) of this Section, the Agency may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment. If the Agency does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement ~~shall~~ must be deemed granted, retroactive to the date of the application.
 - 3) The Agency may terminate a conditional exemption reinstated by default

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under the preceding sentence in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (b)(2) of this Section. If the Agency terminates a reinstated exemption, it ~~shall~~ must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

- 4) The applicant under this subsection (b) may appeal the ~~Agency's~~ Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].
- c) Amendments to DOD shipping controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in subsection (a)(1)(B) of this Section are Government Bill of Lading (GBL) (GSA Standard Form 1109), Requisition Tracking Form (DD Form 1348), the Signature and Talley Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection Report (DD Form 626) in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.203(c), as added at 62 Fed. Reg. 6655 (Feb. 12, 1997), further provides as follows: "Any amendments to the Department of Defense shipping controls ~~shall~~ must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in paragraph (a)(1)(ii) of this section have been amended." (40 CFR 266.203(a)(1)(ii) corresponds with 35 Ill. Adm. Code 726.303(a)(1)(B).) Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.304 Standards Applicable to Emergency Responses

Explosives and munitions emergencies involving military munitions or explosives are subject to 35 Ill. Adm. Code 722.110(i), 723.110(e), 724.101(g)(8), 725.101(c)(11), and 703.121(c)(3); or, alternatively, to 35 Ill. Adm. Code 703.221.

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(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions

- a) Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.
 - 1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation under 35 Ill. Adm. Code 702, 703, 705, 720 through 726, 728, 733, and 739), unless all the following conditions are met:
 - A) The waste military munitions are not chemical agents or chemical munitions;
 - B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);
 - C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;
 - D) Within 90 days of when a storage unit is first used to store waste military munitions, the owner or operator ~~shall~~ must notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) of this Section is claimed;
 - E) The owner or operator ~~shall~~ must provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of subsection (a)(1) of this Section that may endanger health or the environment. In addition, a written submission describing the circumstances ~~shall~~ must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1) of this Section;
 - F) The owner or operator ~~shall~~ must inventory the waste military munitions at least annually, ~~shall~~ must inspect the waste military

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munitions at least quarterly for compliance with the conditions of subsection (a)(1) of this Section, and ~~shall~~ must maintain records of the findings of these inventories and inspections for at least three years; and

- G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.
- 2) The conditional exemption in subsection (a)(1) of this Section from regulation as hazardous waste ~~shall~~ must apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.
 - 3) The conditional exemption in subsection (a)(1) of this Section applies only so long as all of the conditions in subsection (a)(1) of this Section are met.
- b) Notice of termination of waste storage. The owner or operator ~~shall~~ must notify the Agency when a storage unit identified in subsection (a)(1)(D) of this Section will no longer be used to store waste military munitions.
 - c) Reinstatement of conditional exemption.
 - 1) If any waste military munition loses its conditional exemption under subsection (a)(1) of this Section, an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) of this Section.
 - 2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it ~~shall~~ must reinstate the conditional exemption of subsection (a)(1) of this Section in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption ~~shall~~ must be based on the nature of the risks to human health and the environment posed by the waste and either the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it ~~shall~~ must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption under subsection (a)(1) of this Section, the Agency may specify additional

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conditions as are necessary to ensure and document proper storage to protect human health and the environment.

- 3) The Agency may terminate a conditional exemption reinstated by default under the preceding sentence in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (c)(2) of this Section. If the Agency terminates a reinstated exemption, it ~~shall~~ must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.
 - 4) The applicant under this subsection (c) may appeal the ~~Agency's~~ Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].
- d) Waste chemical munitions.
- 1) Waste military munitions that are chemical agents or chemical munitions and ~~that which~~ exhibit a hazardous waste characteristic or which are listed as hazardous waste under 35 Ill. Adm. Code 721, are listed or identified as a hazardous waste and ~~shall be~~ are subject to the applicable regulatory requirements of RCRA subtitle C.
 - 2) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721, are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150.
- e) Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C) of this Section, are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DDESB storage standards ~~shall~~ must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in

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paragraph (a)(1) of this section have been amended.” Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE
STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section 726.310 Definitions

Terms are defined as follows for the purposes of this Subpart N:

“CERCLA reportable quantity” means that quantity of a particular substance designated by USEPA in 40 CFR 302.4 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 USC 9601 et seq.) for which notification is required upon a release to the environment.

“Certified delivery” means certified mail with return receipt requested, equivalent courier service, or other means that provides the sender with a receipt confirming delivery.

“Director” is as defined in 35 Ill. Adm. Code 702.110.

“DNS” means the Department of Nuclear Safety, the State of Illinois agency charged with regulating source, by-product, and special nuclear material in Illinois in accordance with an agreement between the State and the federal Nuclear Regulatory Commission (NRC) under section 274(b) of the federal Atomic Energy Act of 1954, as amended (42 USC 2021(b)).

BOARD NOTE: In addition to the materials regulated under this Part, the DNS regulates radioactive materials under the Radiation Protection Act of 1990 [420 ILCS 40] that are not licensed by the federal NRC. For the purposes of notices to the DNS required under this Subpart N, the address is as follows:

Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

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“Eligible naturally occurring or accelerator-produced radioactive material” means naturally occurring or accelerator-produced radioactive material (NARM) that is eligible for a transportation and disposal conditional exemption. It is a NARM waste that contains RCRA hazardous waste, meets the waste acceptance criteria of, and is allowed by State NARM regulations to be disposed of at a low-level radioactive waste disposal facility (LLRWDF) licensed in accordance with 10 CFR 61, DNS regulations, or the equivalent regulations of a licensing agency in another state.

BOARD NOTE: The Illinois DNS regulations are codified at 32 Ill. Adm. Code: Chapter II, ~~Subchapter~~ Subchapters b and d.

“Exempted waste” means a waste that meets the eligibility criteria in Section 726.325 and all of the conditions in Section 726.330 or a waste that meets the eligibility criteria in Section 726.410 and which complies with all the conditions in Section 726.415. Such waste is conditionally exempted from the regulatory definition of hazardous waste in 35 Ill. Adm. Code 721.103.

“Hazardous waste” means hazardous waste as defined in 35 Ill. Adm. Code 721.103.

“Land disposal restriction treatment standards” or “LDR treatment standards” means treatment standards, under 35 Ill. Adm. Code 728, that a RCRA hazardous waste must meet before it can be disposed of in a RCRA hazardous waste land disposal unit.

“License” means a license issued by the federal NRC or the Illinois DNS to a user that manages radionuclides regulated by the federal NRC or the Illinois DNS under authority of the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.) or the Radiation Protection Act of 1990 [420 ILCS 40].

“Low-level mixed waste” or “LLMW” is a waste that contains both low-level radioactive waste and RCRA hazardous waste.

“Low-level radioactive waste” or “LLRW” is a radioactive waste that contains source, by-product, or special nuclear material and which is not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as defined in section 11(e)(2) of the Atomic Energy Act of 1954 (42 USC 2014(e)(2)). (See also the NRC definition of waste at 10 CFR 61.2.)

BOARD NOTE: This definition differs from the similar definitions of low-level radioactive waste in the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3(k)], the Central Midwest Interstate Low-Level Radioactive Waste Compact Act [45 ILCS 140/1, Article II(k)], and 32 Ill. Adm. Code 606.20(g) of the DNS

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regulations. Those basically define low-level radioactive waste as radioactive waste that is not (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) by-product material, as such are defined in section 11 of the federal Atomic Energy Act of 1954 (42 USC 2014).

“Mixed waste” means a waste that contains both RCRA hazardous waste and source, by-product, or special nuclear material subject to the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.).

BOARD NOTE: This definition differs from the similar definitions of mixed waste in the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3(1)] and 32 Ill. Adm. Code 606.20(h) of the DNS regulations. Those basically define mixed waste as containing both RCRA hazardous waste and low-level radioactive waste, as such is defined under Section 3(k) of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3(k)].

“Naturally occurring or accelerator-produced radioactive material” or “NARM” means a radioactive material that fulfills one of the following conditions:

It is naturally occurring and it is not a source, by-product, or special nuclear material, as defined by the federal Atomic Energy Act (42 USC 2014 et seq.), or

It is produced by an accelerator.

BOARD NOTE: NARM is regulated by the State, under the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code: Chapter II, ~~Subchapter~~ ~~Subchapters~~ b and d, or by the federal Department of Energy (DOE), as authorized by the federal Atomic Energy Act (42 USC 2014 et seq.), under DOE regulations and orders.

“NRC” means the United States Nuclear Regulatory Commission.

BOARD NOTE: For the purposes of notices to the NRC required under this Subpart N, the address is as follows:

U.S. Nuclear Regulatory Commission, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action

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- a) A generator's LLMW will automatically lose the storage and treatment conditional exemption if the generator fails to meet any of the conditions specified in Section 726.330. When a generator's LLMW loses the exemption, the generator must immediately manage that waste which failed the condition as RCRA hazardous waste, and the storage unit storing the LLMW immediately becomes subject to RCRA hazardous waste container or tank storage requirements.
- 1) If a generator fails to meet any of the conditions specified in Section 726.330, the generator must report to the Agency, the Illinois DNS, and the NRC in writing by certified delivery within 30 days after learning of the failure. The generator's report must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. This report must include the following:
 - A) The specific conditions that the generator failed to meet;
 - B) A description of the LLMW (including the waste name, hazardous waste codes and quantity) and storage location at the facility; and
 - C) The dates on which the generator failed to meet the conditions.
 - 2) If the failure to meet any of the conditions may endanger human health or the environment, the generator must also immediately notify the Agency orally within 24 hours and follow up with a written notification within five days. A failure that may endanger human health or the environment may include, but is not limited to, discharge of a CERCLA reportable quantity or other leaking or exploding tanks or containers, or detection of radionuclides above background or hazardous constituents in the leachate collection system of a storage area. If the failure may endanger human health or the environment, the generator must follow the provisions of its emergency plan.
- b) The Board may, by an order issued in an enforcement proceeding against the generator, terminate the generator's conditional exemption for its LLMW, or require the generator to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirements of this Subpart N.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

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Section 726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption

- a) A generator may reclaim a lost storage and treatment conditional exemption for its LLMW if the following conditions are fulfilled:
 - 1) The generator again meets the conditions specified in Section 726.330; and
 - 2) The generator sends the Agency a notice by certified delivery that the generator is reclaiming the exemption for its LLMW. The generator's notice must be signed by its authorized representative certifying that the information contained in the generator's notice is true, complete, and accurate. In its notice, the generator must do the following:
 - A) Explain the circumstances of each failure.
 - B) Certify that the generator has corrected each failure that caused it to lose the exemption for its LLMW and that the generator again meets all the conditions as of the date that the generator specifies.
 - C) Describe plans that the generator has implemented, listing specific steps that it has taken, to ensure that the conditions will be met in the future.
 - D) Include any other information that the generator wants the Agency to consider when it reviews the generator's notice reclaiming the exemption.
- b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act [415 ILCS 5/39], that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.330. In reviewing a reclaimed conditional exemption under this Section, the Agency may add conditions to the exemption to ensure that waste management during storage and treatment of the LLMW will protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

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(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.360 Applicability of Closure Requirements to Storage Units

An interim status and permitted storage unit that has been used to store only LLMW prior to April 22, 2002 and which, after that date, stores only LLMW that becomes exempt under this ~~subpart~~ Subpart N, is not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725. A storage unit (or portions of units) that has been used to store both LLMW and non-mixed hazardous waste prior to April 22, 2002 or which is used to store both after that date remain subject to closure requirements with respect to the non-mixed hazardous waste.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.420 Treatment Standards for Eligible Waste

A generator's LLMW or eligible NARM waste must meet the applicable LDR treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. ~~Subpart D~~.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action

- a) Any waste will automatically lose the transportation and disposal exemption if the generator fails to manage it in accordance with all of the conditions specified in Section 726.415.
 - 1) When the generator fails to meet any of the conditions specified in Section 726.415 for any of its wastes, the generator must report to the Agency and the Illinois DNS, in writing by certified delivery, within 30 days after learning of the failure. The generator's report must be signed by its authorized representative certifying that the information provided is true, accurate, and complete. This report must include the following:
 - A) The specific conditions that the generator failed to meet for the waste;
 - B) A description of the waste (including the waste name, hazardous waste codes and quantity) that lost the exemption; and

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- C) The dates on which the generator failed to meet the conditions for the waste.
- 2) If the failure to meet any of the conditions may endanger human health or the environment, the generator must also immediately notify the Agency orally within 24 hours and follow up with a written notification within 5 five days.
- b) The Board may, by an order issued in an enforcement proceeding against the generator, terminate the generator's ability to claim a conditional exemption for its waste, or require the generator to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirements of this Subpart N.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption

- a) A generator may reclaim a lost transportation and disposal conditional exemption for a waste after the generator has received a return receipt confirming that the Agency and the Illinois DNS have received the generator's notification of the loss of the exemption specified in Section 726.455(a) and if the following conditions are fulfilled:
 - 1) The generator again meets the conditions specified in Section 726.415 for the waste; and
 - 2) The generator sends a notice, by certified delivery, to the Agency that the generator is reclaiming the exemption for the waste. A generator's notice must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. The notice must include all of the following:
 - A) An explanation of the circumstances of each failure;
 - B) A certification that each failure that caused the generator to lose the exemption for the waste has been corrected and that the generator again meets all conditions for the waste as of the date the generator specifies;

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- C) A description of plans that the generator has implemented, listing the specific steps that the generator has taken, to ensure that conditions will be met in the future; and
- D) Any other information that the generator wants the Agency to consider when the Agency reviews the generator's notice reclaiming the exemption.
- b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act [415 ILCS 5/39], that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator has failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.415. In reviewing a reclaimed conditional exemption under this Section, the Agency may add conditions to the exemption to ensure that transportation and disposal activities will protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain [Values for urban areas]

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	60.	10000.	18.	60.	600.	60.
6	68.	11000.	20.	68.	680.	68.
8	76.	13000.	23.	76.	760.	76.
10	86.	14000.	26.	86.	860.	86.
12	96.	17000.	30.	96.	960.	96.
14	110.	18000.	34.	110.	1100.	110.
16	130.	21000.	36.	130.	1300.	130.
18	140.	24000.	43.	140.	1400.	140.
20	160.	27000.	46.	160.	1600.	160.
22	180.	30000.	54.	180.	1800.	180.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

24	200.	34000.	60.	200.	2000.	200.
26	230.	39000.	68.	230.	2300.	230.
28	260.	43000.	78.	260.	2600.	260.
30	300.	50000.	90.	300.	3000.	300.
35	400.	66000.	110.	400.	4000.	400.
40	460.	78000.	140.	460.	4600.	460.
45	600.	100000.	180.	600.	6000.	600.
50	780.	130000.	230.	780.	7800.	780.
55	960.	170000.	300.	960.	9600.	960.
60	1200.	200000.	360.	1200.	12000.	1200.
65	1500.	250000.	430.	1500.	15000.	1500.
70	1700.	280000.	500.	1700.	17000.	1700.
75	1900.	320000.	580.	1900.	19000.	1900.
80	2200.	360000.	640.	2200.	22000.	2200.
85	2500.	400000.	760.	2500.	25000.	2500.
90	2800.	460000.	820.	2800.	28000.	2800.
95	3200.	540000.	960.	3200.	32000.	3200.
100	3600.	600000.	1100.	3600.	36000.	3600.
105	4000.	680000.	1200.	4000.	40000.	4000.
110	4600.	780000.	1400.	4600.	46000.	4600.
115	5400.	860000.	1600.	5400.	54000.	5400.
120	6000.	1000000.	1800.	6000.	60000.	6000.

I-B

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain [Values for rural areas]

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	31.	5200.	9.4	31.	310.	31.
6	36.	6000.	11.	36.	360.	36.
8	40.	6800.	12.	40.	400.	40.
10	46.	7800.	14.	46.	460.	46.
12	58.	9600.	17.	58.	580.	58.
14	68.	11000.	21.	68.	680.	68.
16	86.	14000.	26.	86.	860.	86.
18	110.	18000.	32.	110.	1100.	110.
20	130.	22000.	40.	130.	1300.	130.
22	170.	28000.	50.	170.	1700.	170.
24	220.	36000.	64.	220.	2200.	220.
26	280.	46000.	82.	280.	2800.	280.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

28	350.	58000.	100.	350.	3500.	350.
30	430.	76000.	130.	430.	4300.	430.
35	720.	120000.	210.	720.	7200.	720.
40	1100.	180000.	320.	1100.	11000.	1100.
45	1500.	250000.	460.	1500.	15000.	1500.
50	2000.	330000.	600.	2000.	20000.	2000.
55	2600.	440000.	780.	2600.	26000.	2600.
60	3400.	580000.	1000.	3400.	34000.	3400.
65	4600.	760000.	1400.	4600.	46000.	4600.
70	5400.	900000.	1600.	5400.	54000.	5400.
75	6400.	1100000.	1900.	6400.	64000.	6400.
80	7600.	1300000.	2300.	7600.	76000.	7600.
85	9400.	1500000.	2800.	9400.	94000.	9400.
90	11000.	1800000.	3300.	11000.	110000.	11000.
95	13000.	2200000.	3900.	13000.	130000.	13000.
100	15000.	2600000.	4600.	15000.	150000.	15000.
105	18000.	3000000.	5400.	18000.	180000.	18000.
110	22000.	3600000.	6600.	22000.	220000.	22000.
115	26000.	4400000.	7800.	26000.	260000.	26000.
120	31000.	5000000.	9200.	31000.	310000.	31000.

I-C

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

Values for urban and rural areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	14.	2400.	4.3	14.	140.	14.
6	21.	3500.	6.2	21.	210.	21.
8	30.	5000.	9.2	30.	300.	30.
10	43.	7600.	13.	43.	430.	43.
12	54.	9000.	17.	54.	540.	54.
14	68.	11000.	20.	68.	680.	68.
16	78.	13000.	24.	78.	780.	78.
18	86.	14000.	26.	86.	860.	86.
20	96.	16000.	29.	96.	960.	96.
22	100.	18000.	32.	100.	1000.	100.
24	120.	19000.	35.	120.	1200.	120.
26	130.	22000.	36.	130.	1300.	130.

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NOTICE OF ADOPTED AMENDMENTS

28	140.	24000.	43.	140.	1400.	140.
30	160.	27000.	46.	160.	1600.	160.
35	200.	33000.	58.	200.	2000.	200.
40	240.	40000.	72.	240.	2400.	240.
45	300.	50000.	90.	300.	3000.	300.
50	360.	60000.	110.	360.	3600.	360.
55	460.	76000.	140.	460.	4600.	460.
60	580.	94000.	170.	580.	5800.	580.
65	680.	110000.	210.	680.	6800.	680.
70	780.	130000.	240.	780.	7800.	780.
75	860.	140000.	260.	860.	8600.	860.
80	960.	160000.	290.	960.	9600.	960.
85	1100.	180000.	330.	1100.	11000.	1100.
90	1200.	200000.	360.	1200.	12000.	1200.
95	1400.	230000.	400.	1400.	14000.	1400.
100	1500.	260000.	460.	1500.	15000.	1500.
105	1700.	280000.	500.	1700.	17000.	1700.
110	1900.	320000.	580.	1900.	19000.	1900.
115	2100.	360000.	640.	2100.	21000.	2100.
120	2400.	400000.	720.	2400.	24000.	2400.

I-D

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain

~~Values for use in urban areas Values for use in rural areas~~

TESH (m)	Values for use in urban areas				Values for use in rural areas			
	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.46	1.1	0.17	0.82	0.24	0.58	0.086	0.43
6	0.54	1.3	0.19	0.94	0.28	0.66	0.10	0.50
8	0.60	1.4	0.22	1.1	0.32	0.76	0.11	0.56
10	0.68	1.6	0.24	1.2	0.36	0.86	0.13	0.64
12	0.76	1.8	0.27	1.4	0.43	1.1	0.16	0.78
14	0.86	2.1	0.31	1.5	0.54	1.3	0.20	0.96
16	0.96	2.3	0.35	1.7	0.68	1.6	0.24	1.2
18	1.1	2.6	0.40	2.0	0.82	2.0	0.30	1.5
20	1.2	3.0	0.44	2.2	1.0	2.5	0.37	1.9
22	1.4	3.4	0.50	2.5	1.3	3.2	0.48	2.4
24	1.6	3.9	0.58	2.8	1.7	4.0	0.60	3.0

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26	1.8	4.3	0.64	3.2	2.1	5.0	0.76	3.9
28	2.0	4.8	0.72	3.6	2.7	6.4	0.98	5.0
30	2.3	5.4	0.82	4.0	3.5	8.2	1.2	6.2
35	3.0	6.8	1.0	5.4	5.4	13.	1.9	9.6
40	3.6	9.0	1.3	6.8	8.2	20.	3.0	15.
45	4.6	11.	1.7	8.6	11.	28.	4.2	21.
50	6.0	14.	2.2	11.	15.	37.	5.4	28.
55	7.6	18.	2.7	14.	20.	50.	7.2	36.
60	9.4	22.	3.4	17.	27.	64.	9.6	48.
65	11.	28.	4.2	21.	36.	86.	13.	64.
70	13.	31.	4.6	24.	43.	100.	15.	76.
75	15.	36.	5.4	27.	50.	120.	18.	90.
80	17.	40.	6.0	30.	60.	140.	22.	110.
85	19.	46.	6.8	34.	72.	170.	26.	130.
90	22.	50.	7.8	39.	86.	200.	30.	150.
95	25.	58.	9.0	44.	100.	240.	36.	180.
100	28.	68.	10.	50.	120.	290.	43.	220.
105	32.	76.	11.	56.	140.	340.	50.	260.
110	36.	86.	13.	64.	170.	400.	60.	300.
115	40.	96.	15.	72.	200.	480.	72.	360.
120	46.	110.	17.	82.	240.	580.	86.	430.

I-E

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic
Metals for Facilities in Complex Terrain

Values for use in urban and rural areas

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.11	0.26	0.040	0.20
6	0.16	0.39	0.058	0.29
8	0.24	0.58	0.086	0.43
10	0.35	0.82	0.13	0.62
12	0.43	1.0	0.15	0.76
14	0.50	1.3	0.19	0.94
16	0.60	1.4	0.22	1.1
18	0.68	1.6	0.24	1.2
20	0.76	1.8	0.27	1.3
22	0.82	1.9	0.30	1.5
24	0.90	2.1	0.33	1.6

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26	1.0	2.4	0.36	1.8
28	1.1	2.7	0.40	2.0
30	1.2	3.0	0.44	2.2
35	1.5	3.7	0.54	2.7
40	1.9	4.6	0.68	3.4
45	2.4	5.4	0.84	4.2
50	2.9	6.8	1.0	5.0
55	3.5	8.4	1.3	6.4
60	4.3	10.	1.5	7.8
65	5.4	13.	1.9	9.6
70	6.0	14.	2.2	11.
75	6.8	16.	2.4	12.
80	7.6	18.	2.7	13.
85	8.2	20.	3.0	15.
90	9.4	23.	3.4	17.
95	10.	25.	4.0	19.
100	12.	28.	4.3	21.
105	13.	32.	4.8	24.
110	15.	35.	5.4	27.
115	17.	40.	6.0	30.
120	19.	44.	6.4	33.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726. Appendix D Reference Air Concentrations

BOARD NOTE: The RAC for other Appendix H to 35 Ill. Adm. Code 721-Appendix H constituents not listed below or in Appendix E is 0.1 ug/eu-~~mm~~3.

Constituent	CAS No.	RAC (ug/eu- mm <u>3</u>)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50

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NOTICE OF ADOPTED AMENDMENTS

Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidylaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	7
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09
Maleic Anhydride	108-31-6	100
Mercury	7439-97-6	0.3
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50

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NOTICE OF ADOPTED AMENDMENTS

Methyl Chlorocarbonate	79-22-1	1000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
M-Phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20

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Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726. Appendix E ~~Risk Specific~~ Risk-Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 ($1 \cdot 10^{-5}$).

Constituent	CAS No.	Unit risk (m^3/mg)	RSD (mg/m^3)
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15
Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl) ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)- phthalate	117-81-7	0.00000024	42.
1,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
DDT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
1,2-Dibromo-3-chloro- propane	96-12-8	0.0063	0.0016
1,2-Dibromo ethane	106-93-4	0.00022	0.045
1,1-Dichloroethane	75-34-3	0.000026	0.38
1,2-Dichloroethane	107-06-2	0.000026	0.38

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1,1-Dichloroethylene	75-35-4	0.000050	0.20
1,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071
Dimethylnitrosamine	62-75-9	0.014	0.00071
2,4-Dinitrotoluene	121-14-2	0.000088	0.11
1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachloro- cyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclo- hexane	319-85-7	0.00053	0.019
Gamma-hexachloro- cyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclo- hexane, Technical		0.00051	0.020
Hexachlorodibenzo-p- dioxin(1,2 Mixture)		1.3	0.0000077
Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2- chloroaniline	101-14-4	0.000047	0.21
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butyl- amine	924-16-3	0.0016	0.0063

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N-Nitroso-n-methyl- urea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitro- benzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033
2,3,7,8-Tetrachloro- dibenzo-p-dioxin	1746-01-6	45.	0.00000022
1,1,2,2-Tetrachloro- ethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.0000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000057	1.8
Toxaphene	8001-35-2	0.00032	0.031
Vinyl Chloride	75-01-4	0.0000071	1.4

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix F Stack Plume Rise

Estimated Plume Rise (in Meters)
Based on Stack Exit Flow Rate and Gas Temperature

Flow rate (cu m^3/sec)	Exhaust Temperature (K°)										
	<325	325- 349	350- 399	400- 449	450- 499	500- 599	600- 699	700- 799	800- 999	1000- 1499	>1499
<0.5	0	0	0	0	0	0	0	0	0	0	0
0.5-0.9	0	0	0	0	0	0	0	0	1	1	1
1.0-1.9	0	0	0	0	1	1	2	3	3	3	4
2.0-2.9	0	0	1	3	4	4	6	6	7	8	9
3.0-3.9	0	1	2	5	6	7	9	10	11	12	13
4.0-4.9	1	2	4	6	8	10	12	13	14	15	17
5.0-7.4	2	3	5	8	10	12	14	16	17	19	21

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7.5-9.9	3	5	8	12	15	17	20	22	22	23	24
10.0-12.4	4	6	10	15	19	21	23	24	25	26	27
12.5-14.9	4	7	12	18	22	23	25	26	27	28	29
15.0-19.9	5	8	13	20	23	24	26	27	28	29	31
20.0-24.9	6	10	17	23	25	27	29	30	31	32	34
25.0-29.9	7	12	20	25	27	29	31	32	33	35	36
30.0-34.9	8	14	22	26	29	31	33	35	36	37	39
35.0-39.9	9	16	23	28	30	32	35	36	37	39	41
40.0-49.9	10	17	24	29	32	34	36	38	39	41	42
50.0-59.9	12	21	26	31	34	36	39	41	42	44	46
60.0-69.9	14	22	27	33	36	39	42	43	45	47	49
70.0-79.9	16	23	29	35	38	41	44	46	47	49	51
80.0-89.9	17	25	30	36	40	42	46	48	49	51	54
90.0-99.9	19	26	31	38	42	44	48	50	51	53	56
100.0-119.9	21	26	32	39	43	46	49	52	53	55	58
120.0-139.9	22	28	35	42	46	49	52	55	56	59	61
140.0-159.9	23	30	36	44	48	51	55	58	59	62	65
160.0-179.9	25	31	38	46	50	54	58	60	62	65	67
180.0-199.9	26	32	40	48	52	56	60	63	65	67	70
>199.9	26	33	41	49	54	58	62	65	67	69	73

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ constituents for which a health-based concentration is not provided below is ~~0.002~~ 2×10^{-6} mg/kg (0.000002 mg/kg or 0.002 μ g/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 μ g/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728. ~~Table B~~ for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

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Constituent	CAS No.	Concentration limits (mg/L)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002
Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005

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Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.07.5
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.000000 <u>0.0000001</u>
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002
Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.000000 <u>0.0000001</u>
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.0000000 <u>0.0000001</u>
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007

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Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.000000
		<u>0.0000001</u>
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1
Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003
Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004

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Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix I Methods Manual for Compliance with BIF Regulations

See “Methods Manual for Compliance with BIF Regulations.” This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix IX (1997), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix J Guideline on Air Quality Models

See “Guideline on Air Quality Models (Revised).” This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix X, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, which is incorporated by reference in 35 Ill. Adm. Code 720.111. This incorporation includes no future editions or amendments.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix K Lead-Bearing Materials ~~That~~ that May be Processed in Exempt Lead Smelters

- a) ~~Exempt Lead-Bearing Materials When Generated or Originally Produced By Lead-Associated Industries.~~ lead-bearing materials when generated or originally produced by lead-associated industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g., manufacturing of lead oxide

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or other lead compounds).

Acid dump/fill solids
 Sump mud
 Materials from laboratory analyses
 Acid filters
 Baghouse bags
 Clothing (e.g., coveralls, aprons, shoes, hats,; gloves)
 Sweepings
 Air filter bags and cartridges
 Respiratory cartridge filters
 Shop abrasive
 Stacking boards
 Waste shipping containers (e.g., cartons, bags, drums, cardboard)
 Paper hand towels
 Wiping rags and sponges
 Contaminated pallets
 Water treatment sludges, filter cakes, residues, and solids
 Emission control dusts, sludges, filter cakes, residues, and solids from
 lead-associated industries (e.g., K069 and D008 wastes)
 Spent grinds, posts and separators
 Spent batteries
 Lead oxide and lead oxide residues
 Lead plates and groups
 Spent battery cases, covers, and vents
 Pasting belts
 Water filter media
 Cheesecloth from pasting rollers
 Pasting additive bags
 Asphalt paving materials

- b) ~~Exempt Lead-Bearing Materials When Generated or Originally Produced By Any Industry~~ lead-bearing materials when generated or originally produced by any industry.

Charging jumpers and clips
 Platen abrasive
 Fluff from lead wire and cable casings
 Lead-based pigments and compounding pigment dust

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.Appendix L Nickel or Chromium-Bearing Materials that ~~may~~ May be Processed in Exempt Nickel-Chromium Recovery Furnaces

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- a) ~~Exempt Nickel or chromium Bearing Materials when Generated by Manufacturers or Users of Nickel, Chromium or Iron.~~ nickel or chromium-bearing materials when generated by manufacturers or users of nickel, chromium, or iron.

Baghouse bags
 Raney nickel catalyst
 Floor sweepings
 Air filters
 Electroplating bath filters
 Wastewater filter media
 Wood Pallets
 Disposable clothing (coveralls, aprons, hats, and gloves)
 Laboratory samples and spent chemicals
 Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes
 Respirator cartridge filters
 Paper hand towels

- b) ~~Exempt Nickel or Chromium Bearing Materials when Generated by Any Industry~~ nickel or chromium-bearing materials when generated by any industry.

Electroplating wastewater treatment sludges (F006)
 Nickel and/or chromium-containing solutions
 Nickel and/or chromium-containing catalysts
 Nickel-cadmium and nickel-iron batteries
 Filter cake from wet scrubber system water treatment plants in the specialty steel industry
 Filter cake from nickel-chromium alloy pickling operations

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726. ~~Appendix M Mercury-Bearing Wastes That that~~ May Be Processed in Exempt Mercury Recovery Units

The following materials are exempt mercury-bearing materials containing less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ organic constituents, when generated by manufacturers or users of mercury or mercury products:

Activated carbon
 Decomposer graphite
 Wood
 Paper
 Protective clothing
 Sweepings

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Respiratory cartridge filters
Cleanup articles
Plastic bags and other contaminated containers
Laboratory and process control samples
K106 and other wastewater treatment plant sludge and filter cake
Mercury cell sump and tank sludge
Mercury cell process solids
Recoverable levels of mercury contained in soil

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code citation: 35 Ill. Adm. Code 728
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
728.101, 728.102, 728.103	Amend
728.104, 728.105, 728.106	Amend
728.107, 728.109, 728.113	Amend
728.114, 728.130, 728.131	Amend
728.132, 728.133, 728.134	Amend
728.135, 728.136, 728.137	Amend
728.138, 728.139, 728.140	Amend
728.141, 728.142, 728.143	Amend
728.144, 728.145, 728.146	Amend
728.148, 728.149, 728.150	Amend
728. Appendix. C	Amend
728. Appendix. D	Amend
728. Appendix. F	Amend
728. Appendix. G,	Amend
728. Appendix. H	Amend
728. Appendix. I	Amend
728. Appendix. K	Amend
728. Appendix. K	Amend
728. Table A	Amend
728. Table B	Amend
728. Table C	Amend
728. Table D	Amend
728. Table E	Amend
728. Table F	Amend
728. Table G	Amend
728. Table H	Amend
728. Table I	Amend
728. Table T	Amend
728. Table U	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 17, 2003
- 6) Does this rulemaking contain an automatic repeal date?: No.

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7) Do these amendments contain incorporations by reference?

Yes. Part 728 includes references to documents incorporated by reference, although 35 Ill. Adm. Code 720.111, which is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The present amendments update the version of 40 C.F.R. 268.5 incorporated by reference in Section 728.105. The amendments also remove the incorporation of 40 C.F.R. 268.13 by reference in Section 728.113.

8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register:

April 18, 2003, 27 Ill. Reg. 6959

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

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version:

A table that appears in the Board's opinion and order of June 5, 2003 in docket R03-18 summarizes the differences between the amendments proposed by the Board in an opinion and order dated March 20, 2003, in docket R03-18, and those adopted by an order dated June 5, 2003. Some of the differences are explained in greater detail in the Board's opinion and order of June 5, 2003 adopting the amendments.

There are no substantive differences between the adopted and proposed versions of the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the April 18, 2003 issue of the Illinois Register, the Board received a number of suggestions for revisions from JC AR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of June 5, 2003 in docket R03-18, as indicated in item 11 above. The table in the opinion and order indicates JC AR suggestions not incorporated into the text, with a brief explanation for each. See the June 5, 2003 opinion and order in docket R03-18 for additional details on the JC AR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 728 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, and 726, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 20, 2003, proposing amendments in docket R03-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 728 implement segments of the federal July 24, 2002 exclusion of certain secondary materials used to make zinc fertilizers from the definition of solid waste. The amendments also implement the October 7, 2002 national treatability variance for radioactively contaminated cadmium-, mercury-, and silver-containing batteries. In addition to the federally driven amendments, the amendments to Part 728 incorporate a number of non-substantive corrections to the text of the rules.

Tables appear in the Board's opinion and order of June 5, 2003 in docket R03-18 that list numerous corrections and amendments that are not based on current federal amendments.

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The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2003 opinion and order in docket R03-18.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

Please reference consolidated Docket R03-18 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 5, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728
 LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	
728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for ease-by-case <u>Case-by-Case</u> Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND
 ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions <u>Exemptions</u>

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste-Specific <u>Waste-Specific</u> Prohibitions: — Wood Preserving Wastes
728.131	Waste-Specific <u>Waste-Specific</u> Prohibitions: — Dioxin-Containing Wastes
728.132	Waste-Specific <u>Waste-Specific</u> Prohibitions: — Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs
728.133	Waste-Specific Prohibitions: — Chlorinated Aliphatic Wastes

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- 728.134 Waste-Specific Prohibitions; — Toxicity Characteristic Metal Wastes
 728.135 ~~Waste-Specific~~ ~~Waste-Specific~~ Prohibitions; — Petroleum Refining Wastes
 728.136 ~~Waste-Specific~~ ~~Waste-Specific~~ Prohibitions; — Inorganic Chemical Wastes
 728.137 ~~Waste-Specific~~ ~~Waste-Specific~~ Prohibitions; — Ignitable and Corrosive
 Characteristic Wastes Whose Treatment Standards Were Vacated
 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic
 Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section

- 728.140 Applicability of Treatment Standards
 728.141 Treatment Standards Expressed as Concentrations in Waste Extract
 728.142 Treatment Standards Expressed as Specified Technologies
 728.143 Treatment Standards Expressed as Waste Concentrations
 728.144 Adjustment of Treatment Standard
 728.145 Treatment Standards for Hazardous Debris
 728.146 Alternative Treatment Standards Based on HTMR
 728.148 Universal Treatment Standards
 728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section

- 728.150 Prohibitions on Storage of Restricted Wastes
- 728.Appendix A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
 728.Appendix B Treatment Standards (As concentrations in the Treatment Residual
 Extract) (Repealed)
 728.Appendix C List of Halogenated Organic Compounds Regulated under Section
 728.132
 728.Appendix D Wastes Excluded from Lab Packs
 728.Appendix E Organic Lab Packs (Repealed)
 728.Appendix F Technologies to Achieve Deactivation of Characteristics
 728.Appendix G Federal Effective Dates
 728.Appendix H National Capacity LDR Variances for UIC Wastes
 728.Appendix I EP Toxicity Test Method and Structural Integrity Test
 728.Appendix J Recordkeeping, Notification, and Certification Requirements (Repealed)
 728.Appendix K ~~Metal-Bearing~~ ~~Metal-Bearing~~ Wastes Prohibited ~~From~~ ~~from~~ Dilution in a

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	Combustion Unit According to Section 728.103(c)
728.Table A	Constituent Concentrations in Waste Extract (CCWE)
728.Table B	Constituent Concentrations in Wastes (CCW)
728.Table C	Technology Codes and Description of Technology-Based Standards
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728.Table U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July 17, 2003.

SUBPART A: GENERAL

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Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) Where ~~persons have~~ a person has been granted an extension to the effective date of a prohibition under Subpart C of this Part or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where ~~persons have~~ a person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and ~~that which~~ is otherwise prohibited under this Part is not prohibited if the following is true of the waste:
 - A) ~~Is~~ The waste is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
 - B) ~~Does~~ The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. ~~Subpart C~~ at the point of injection.
 - 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:
 - A) Any of the following is true of either treatment or management of the waste:

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- i) The waste is managed in a treatment system ~~which~~that subsequently discharges to waters of the United States pursuant to a permit issued under 35 Ill. Adm. Code 309;
 - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
 - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
- B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC ~~§§ 9601 et seq.~~ 9621(d)(4)).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Waste generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
 - 2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
 - 3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard;
 - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from

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containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or

- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.
- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
 - 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105.
- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) ~~shall~~must not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

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When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“CERCLA” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

“Debris” means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

“End-of-pipe” refers to the point where effluent is discharged to the environment.

“Halogenated organic compounds” or “HOCs” means those compounds having a carbon-halogen bond that are listed under Appendix C of this Part.

“Hazardous constituent or constituents” means those constituents listed in Appendix H to 35 Ill. Adm. Code 721.~~Appendix H.~~

“Hazardous debris” means debris that contains a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~ or that exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.~~Subpart C.~~ Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

“Inorganic metal-bearing waste” is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Appendix K of this Part.

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“Land disposal” means placement in or on the land, except in a corrective action management unit or staging pile, and “land disposal” includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

“Nonwastewaters” are wastes that do not meet the criteria for “wastewaters” in this Section.

“Polychlorinated biphenyls” or “PCBs” are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

“ppm” means parts per million.

“RCRA corrective action” means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93-~~(1996)~~, or similar regulations in other states with RCRA programs authorized by USEPA pursuant to 40 CFR 271-~~(1996)~~.

“Soil” means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the United States Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

“Stormwater impoundments” are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

“Underlying hazardous constituent” means any constituent listed in Table U of this Part, “Universal Treatment Standards (UTS)₂”; except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

“USEPA” or “U.S. EPA” means the United States Environmental Protection Agency.

“Wastewaters” are wastes that contain less than ~~1~~one percent by weight total organic carbon (TOC) and less than ~~1~~one percent by weight total suspended solids (TSS).

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(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

- a) Except as provided in subsection (b) of this Section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility ~~shall~~ must in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D of this Part, to circumvent the effective date of a prohibition in Subpart C of this Part, to otherwise avoid a prohibition in Subpart C of this Part, or to circumvent a land disposal restriction imposed by RCRA section 3004 (42 USC 6924).
- b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, or that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section, unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.
- c) Combustion of waste designated by any of the USEPA hazardous waste codes listed in ~~Section 728-~~Appendix J to this Part is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):
 - 1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;
 - 2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
 - 3) The waste has reasonable heating value, such as greater than or equal to 5000 Btu per pound, at the point of generation;
 - 4) The waste is co-generated with wastes for which combustion is a required method of treatment;

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- 5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or
 - 6) The waste contains greater than one percent Total Organic Carbon (TOC).
- d) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated-~~constituent~~ constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.104 Treatment Surface Impoundment Exemption

- a) Wastes ~~which that~~ are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:
 - 1) Treatment of such wastes occurs in the impoundments;
 - 2) The following conditions are met:
 - A) Sampling and testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.
 - B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues ~~which that~~ do not meet the treatment standards promulgated under Subpart D of this Part; residues ~~which that~~ do not meet the prohibition levels

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established under Subpart C of this Part or imposed by federal statute (where no treatment standards have been established); residues that are from the treatment of wastes prohibited from land disposal under Subpart C of this Part (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that are not delisted under 35 Ill. Adm. Code 720.122. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

- C) Subsequent management. Treatment residues must not be placed in any other surface impoundment for subsequent management.
 - D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;
- 3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of Subpart F of 35 Ill. Adm. Code 724.~~Subpart F~~ or Subpart F of this Part, unless any of the following conditions is fulfilled:
- A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);
 - B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:
 - i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;
 - ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and
 - iii) The impoundment is in compliance with generally applicable groundwater monitoring requirements for

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facilities with permits; or

C) Upon application by the owner or operator, the Board has, pursuant to Subpart D of 35 Ill. Adm. Code 406.104, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard ~~shall~~ must be a demonstration that the surface impoundment is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and

4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) of this Section have been met. The following certification is required:

I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.105 Procedures for ~~ease-by-ease~~ Case-by-Case Extensions to an Effective Date

a) The Board incorporates by reference 40 CFR 268.5 ~~(1989) (2002), as amended at 54 Fed. Reg. 36970, September 6, 1989, at 55 Fed. Reg. 23935, June 13, 1990, and 57 Fed. Reg. 37270, August 18, 1992.~~ This Part incorporates no future editions or amendments.

b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions ~~which~~ that are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C

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- a) Any person seeking an exemption from a prohibition under Subpart C for the disposal of a restricted hazardous waste in a particular unit or units ~~shall~~must submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:
- 1) An identification of the specific waste and the specific unit for which the demonstration will be made;
 - 2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;
 - 3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality;
 - 4) A monitoring plan ~~which~~that detects migration at the earliest practical time;
 - 5) Sufficient information to assure the Agency that the owner or operator of a land disposal unit receiving restricted wastes will comply with other applicable federal, state, and local laws;
 - 6) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.
- b) The demonstration referred to in subsection (a) of this Section must meet the following criteria:
- 1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;
 - 2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must conform with "Test Methods for Evaluating Solid Waste" and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual

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measurements;

- 4) A quality assurance and quality control plan that addresses all aspects of the demonstration and conforms with “Test Methods for Evaluating Solid Waste” and with “Generic Quality Assurance Project Plan for Land Disposal Restrictions Program,” incorporated by reference in 35 Ill. Adm. Code 720.111-; and
 - 5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts, or other natural phenomena.
- c) Each petition referred to in subsection (a) of this Section must include the following:
- 1) A monitoring plan that describes the monitoring program installed at or around the unit to verify continued compliance with the conditions of the adjusted standard. This monitoring plan must provide information on the monitoring of the unit or the environment around the unit. The following specific information must be included in the plan:
 - A) The media monitored in the cases where monitoring of the environment around the unit is required;
 - B) The type of monitoring conducted at the unit, in the cases where monitoring of the unit is required;
 - C) The location of the monitoring stations;
 - D) The monitoring interval (frequency of monitoring at each station);
 - E) The specific hazardous constituents to be monitored;
 - F) The implementation schedule for the monitoring program;
 - G) The equipment used at the monitoring stations;
 - H) The sampling and analytical techniques employed; and

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- I) The data recording and reporting procedures.
- 2) Where applicable, the monitoring program described in subsection (c)(1) of this Section must be in place for a period of time specified by the Board, as part of its approval of the petition, prior to receipt of prohibited waste at the unit.
- 3) The monitoring data collected according to the monitoring plan specified under subsection (c)(1) of this Section must be sent to the Agency according to a format and schedule specified and approved in the monitoring plan, ~~and~~.
- 4) A copy of the monitoring data collected under the monitoring plan specified under subsection (c)(1) of this Section must be kept on-site at the facility in the operating record.
- 5) The monitoring program specified under subsection (c)(1) of this Section must meet the following criteria:
 - A) All sampling, testing, and analytical data must be approved by the Board and must provide data that is accurate and reproducible;
 - B) All estimation and monitoring techniques must be approved by the Board; and
 - C) A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the Board.
- d) Each petition must be submitted to the Board as provided in Subpart D of 35 Ill. Adm. Code 106. Subpart G 104.
- e) After a petition has been approved, the owner or operator ~~shall~~ must report any changes in conditions at the unit or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the units as follows:
 - 1) If the owner or operator plans to make changes to the unit design, construction, or operation, the owner or operator ~~shall~~ must do the following at least 90 days prior to making the change, ~~either~~:

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- A) File a petition for modification of or a new petition to amend an adjusted standard with the Board reflecting the changes; or,
 - B) Demonstrate to the Agency that the change can be made consistent with the conditions of the existing adjusted standard.
- 2) If the owner or operator discovers that a condition at the site ~~which~~ that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Agency within 10 days ~~of~~ after discovering the change. The Agency ~~shall~~ must determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, a petition for modification of or a new petition for an adjusted standard.
- f) If there is migration of hazardous ~~constituent(s)~~ constituents from the unit, as determined by the owner or operator, the owner or operator ~~shall~~ must:
- 1) Immediately suspend receipt of prohibited waste at the unit, and
 - 2) Notify the Agency, in writing, within 10 days ~~of~~ after the determination that a release has occurred.
 - 3) Following receipt of the notification, the Agency shall, within 60 days ~~of~~ after receiving notification:
 - A) Determine whether the owner or operator can continue to receive prohibited waste in the unit under the conditions of the adjusted standard.
 - B) If modification or vacation of the adjusted standard is necessary, file a motion to modify or vacate the adjusted standard with the Board.
 - C) Determine whether further examination of any migration is required under the applicable provisions of 35 Ill. Adm. Code 724 or 725.
- g) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar

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with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- h) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.
- i) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.
- j) The Board will give public notice and provide an opportunity for public comment, as provided in Subpart D of 35 Ill. Adm. Code ~~106. Subpart G~~ 104. Notice of a final decision on a petition will be published in the Environmental Register.
- k) The term of a petition granted under this Section will be no longer than the term of the RCRA permit if the disposal unit is operating under a RCRA permit, or up to a maximum of 10 years from the date of approval provided under subsection (g) of this Section if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.
- l) Prior to the Board's decision, the applicant ~~shall~~ must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- m) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 726.
- n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard under this Section.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

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- a) Requirements for generators:
- 1) A generator of a hazardous waste ~~shall~~must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator ~~shall~~must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.
 - 2) If the waste or contaminated soil does not meet the treatment standard, the generator ~~shall~~must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator ~~shall~~must place a copy of the one-time notice in the file. The notice must include the information in column “728.107(a)(2)” of the Generator Paperwork Requirements Table in Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator’s file.
 - A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this

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contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

- B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked “reserved” by USEPA. This statement maintains structural consistency with USEPA rules.
- 3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:
- A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator ~~shall~~must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column “728.107(a)(3)” of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:
- I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in ~~35 Ill. Adm. Code 728. Subpart D of 35 Ill. Adm. Code 728.~~ I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.
- B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed “(a)(3)” in Table I of this Part.
- C) If the waste changes, the generator ~~shall~~must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

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- 4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator ~~shall~~must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator ~~shall~~must send a new notice to the receiving facility, and place a copy in its file.
- 5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator ~~shall~~must develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:
 - A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;
 - B) Such plan must be kept in the facility's on-site files and made available to inspectors; and
 - C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.
- 6) If a generator determines that the waste or contaminated soil is restricted

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based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, all waste analysis data must be retained on-site in the generator's files.

- 7) If a generator determines that it is managing a prohibited waste ~~which~~ that is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator ~~shall~~ must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.
- 8) A generator ~~shall~~ must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The ~~three-year~~ three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.
- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator ~~shall~~ must fulfill the following conditions:

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- A) With the initial shipment of waste to a treatment facility, the generator ~~shall~~must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728.107~~Appendix D~~ and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.
- C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.
- D) The generator ~~shall~~must also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.

- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) ~~shall~~must comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators ~~shall~~must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

- b) The owner or operator of a treatment facility ~~shall~~must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm.

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Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.

- 1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility ~~shall~~ must test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the treatment residues extract meets the applicable treatment standards.
- 2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility ~~shall~~ must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.
- 3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.
 - A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.
 - B) The one-time notice must include the following requirements ~~indicated in the following table:~~

~~Treatment Facility Paperwork Requirements Table~~

Required information	Section
1. USEPA hazardous waste number and manifest number of first shipment.	728.107(b)
	✓

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2. ~~The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.~~ ✓
3. ~~The notice must include the applicable wastewater/ nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).~~ ✓
4. ~~Waste analysis data (when available).~~ ✓
5. ~~For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(e).~~ ✓
6. ~~A certification is needed (see applicable section for exact wording).~~ ✓
- i) USEPA hazardous waste number and manifest number of first shipment;
- ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

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- iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide);
 - iv) Waste analysis data (when available);
 - v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, “this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)”; and
 - vi) A certification is needed (see applicable Section for exact wording).
- 4) The owner or operator of a treatment facility ~~shall~~must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment

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standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.
- B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).
- C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state ~~the following~~ as follows:
- I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728.~~Table C.~~ I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.
- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those

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expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents, as defined in ~~35 Ill. Adm. Code Section~~ 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state ~~the following~~ as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U of this Part universal treatment standards, the certification must state ~~the following~~ as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility ~~sending~~ that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 6) Where the wastes are recyclable materials used in a manner constituting

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disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(3) of this Section. With each shipment of such wastes the owner or operator of the recycling facility ~~shall~~must submit a certification described in subsection (b)(4) of this Section and a notice that includes the information listed in subsection (b)(3) of this Section (except the manifest number) to the Agency. The recycling facility also ~~shall~~must keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall do the following:
- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
 - 2) Test the waste or an extract of the waste or treatment residue developed using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.
 - 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator ~~shall~~must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
 - 4) Where the owner or operator is disposing of any waste that is a recyclable

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material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:
- 1) A one-time notification must be submitted to the Agency including the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
 - B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
 - C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Table F of this Part used to treat the debris.
 - 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
 - 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility ~~shall~~must document and certify compliance with the treatment standards of Table F of this Part, as follows:
 - A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
 - B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

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- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state ~~the following~~ as follows:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and ~~generators and treaters~~ a generator or treater that first ~~determine~~ determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste ~~shall~~ must do the following:
- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
 - 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste ~~shall~~ must determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~. In addition, the waste must carry one or more of the waste codes under Subpart C of 35 Ill. Adm. Code 721. ~~Subpart C~~ where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of ~~Section 728~~ Table C to this Part), the generator ~~shall~~ must determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.

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- b) Where a prohibited waste is both listed under Subpart D of 35 Ill. Adm. Code 721. Subpart D and exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721. Subpart C, the treatment standard for the waste code listed in Subpart D of 35 Ill. Adm. Code 721. Subpart D will operate in lieu of the standard for the waste code under Subpart C of 35 Ill. Adm. Code 721. Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under Subpart C of 35 Ill. Adm. Code 721. Subpart C shall ~~must~~ be land disposed, unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721 is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) of this Section. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.
- 1) The notification must include the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
 - B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability groups, and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

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- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in ~~Sections~~ Section 728.148 and ~~728.~~Table U to this Part for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:
 - A) A description of the pollution prevention mechanism and when it was implemented, if already complete;
 - B) The mass of each underlying hazardous constituent before pollution prevention;
 - C) The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
 - D) The mass reduction of each underlying hazardous constituent that is achieved.
- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and ~~728.~~Table D to this Part must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 ~~five~~ years.
- f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.
- g) For a characteristic waste whose ultimate disposal will be into a Class I

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nonhazardous waste injection well that qualifies for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.113 Newly Listed Wastes

~~The Board incorporates by reference 40 CFR 268.13 (1991). This Section incorporates no later editions or amendments.~~

In corresponding 40 CFR 268.13, USEPA stated that it would make a land disposal prohibition determination for any hazardous waste identified or listed after November 8, 1984 within six months after the date of identification or listing. This statement maintains structural consistency with the corresponding federal regulations.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.114 Surface Impoundment ~~exemptions~~ Exemptions.

- a) This Section defines additional circumstances under which an otherwise prohibited waste may continue to be placed in a surface impoundment.
- b) Wastes ~~which that~~ are newly identified or listed by USEPA pursuant to Section 3001 of RCRA (42 U.S.C. USC § 6921) after November 8, 1984; and which are stored in a surface impoundment that is newly subject to subtitle C of RCRA (42 U.S.C. USC § 6921 et seq.) as a result of the additional identification or listing; may continue to be stored in the surface impoundment for 48 months after the promulgation of the additional listing or characteristic, ~~notwithstanding~~ notwithstanding the fact that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of Subpart F of 35 Ill. Adm. Code 725. ~~Subpart F~~ within 12 months after promulgation of the new listing or characteristic.
- c) Wastes ~~which that~~ are newly identified or listed by USEPA under Section 3001 of RCRA (42 U.S.C. § 6921) after November 8, 1984; and which are treated in a surface impoundment that is newly subject to Subtitle C of RCRA (42 U.S.C. § 6921 et seq.) as a result of the additional identification or listing; may continue

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to be treated in that surface impoundment, notwithstanding the fact that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of Subpart F of 35 Ill. Adm. Code 725.~~Subpart F~~ within 12 months after the promulgation of the new listing or characteristic. In addition, if the surface impoundment continues to treat hazardous waste after 48 months from promulgation of the additional listing or characteristic, it must then be in compliance with Section 728.104.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.130 ~~Waste-Specific~~ Waste-Specific Prohibitions: — Wood Preserving Wastes

- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, and F035.
- b) ~~Effective May 12, 1999, the~~ The following wastes are prohibited from land disposal: soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as F032, F034, F035; and radioactive wastes mixed with USEPA hazardous waste numbers F032, F034, and F035.
- c) ~~Until May 12, 1999, soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035; and radioactive waste mixed with USEPA hazardous waste numbers F032, F034, and F035 may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2). This subsection (c) corresponds with 40 CFR 268.30(c), which expired by its own terms on May 12, 1999. This statement maintains structural consistency with the corresponding federal regulations.~~
- d) The requirements of subsections (a) and (b) of this Section do not apply if any of the following conditions is fulfilled:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

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- 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or
- 4) ~~Persons have~~ A person has been granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5 (see Section 728.105), with respect to those wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in ~~Sections~~ Section 728.140 and 728.148, ~~Table T to this Part~~, the initial generator ~~shall~~ must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of ~~Sections~~ Section 728.148 and 728.149, ~~Table U to this Part~~, the waste is prohibited from land disposal and all requirements of Part 728 are applicable, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.131 ~~Waste Specific~~ Waste-Specific Prohibitions: — Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028 are prohibited from land disposal, unless the following condition applies: ~~The~~ the dioxin-containing waste is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action.
- b) ~~Effective November 8, 1990,~~ USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027 and F028, and dioxin-containing waste ~~which~~ that is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action listed in subsection (a) of this Section are prohibited from land disposal.
- c) ~~Until November 8, 1990, wastes included in subsection (b) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105, and all other applicable requirements of 35 Ill. Adm. Code 724 and 725.~~ This subsection (c) corresponds with 40 CFR 268.31(c), which expired by its own terms on November 8, 1990. This statement maintains structural consistency with the corresponding federal regulations.

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- d) The requirements of subsections (a) and (b) of this Section do not apply if any of the following conditions is fulfilled:
- 1) The wastes meet the standards of Subpart D of this Part; or,
 - 2) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
 - 3) ~~Persons have~~ A person has been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.132 ~~Waste Specific~~ Waste-Specific Prohibitions: — Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs

- a) The following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.
- b) The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled:
 - 1) Low-halogenated organics waste meeting ~~Subpart D~~ the treatment standards of Subpart D of this Part:
 - A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and
 - B) The wastes meet the treatment standards specified in Subpart D of this ~~part~~ Part for USEPA hazardous waste numbers D004 through D011, as applicable; or
 - 2) Low-halogenated organics waste meeting alternative treatment standards for contaminated soil:
 - A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

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- B) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or
- 3) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
- 4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.144.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.133 Waste-Specific Prohibitions : — Chlorinated Aliphatic Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.
- b) The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or
 - 5) ~~Persons have~~ A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the

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applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D of this Part, the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise specified.

- d) Disposal of USEPA hazardous waste number K175 wastes that have complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in one of the following:
- 1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or
 - 2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at $\text{pH} \leq 6.0$.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.134 Waste-Specific Prohibitions; — Toxicity Characteristic Metal Wastes

- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.
- b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.
- c) The following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

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- d) This ~~provision~~ subsection (d) corresponds with 40 CFR 269.34(d), which ~~was applicable~~ expired by its own terms ~~only until on~~ May 26, 2000. ~~We have removed this subsection (d), since it no longer applies.~~ This statement maintains structural consistency with the corresponding federal regulations.
- e) The requirements of subsections (a) and (b) of this Section do not apply if any of the following applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to those wastes covered by the extension.
- f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T of this Part, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.135 ~~Waste Specific~~ Waste-Specific Prohibitions: — Petroleum Refining Wastes

- a) ~~Effective February 8, 1999, the~~ The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers K169, K170, K171, and K172; soils and debris contaminated with these wastes; radioactive wastes mixed with these hazardous wastes; and soils and debris contaminated with these radioactive

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mixed wastes are prohibited from land disposal.

- b) The requirements of subsection (a) of this Section do not apply ~~under~~ if any of the following ~~circumstances~~ applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) The Board has granted an adjusted standard that exempts waste from a prohibition pursuant to Section 728.106, with respect to those wastes and units covered by the adjusted standard;
 - 3) The wastes meet an adjusted standard from an applicable treatment standard granted under Section 728.144;
 - 4) The waste is hazardous debris that has met the treatment standards set forth in Section 728.140 and Table T of this Part or the alternative treatment standards in Section 728.145; or
 - 5) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to these wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this ~~section~~ Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.136 ~~Waste-Specific~~ Waste-Specific Prohibitions: — Inorganic Chemical Wastes

- a) ~~Effective May 20, 2002, the~~ The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K176, K177, and K178, and soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are

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prohibited from land disposal.

- b) The requirements of subsection (a) of this Section do not apply if any of the following ~~is true with regard~~ applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) Hazardous debris has met the treatment standards in ~~Sections~~ Section 728.140 and ~~728~~ Table T to this Part or the alternative treatment standards in Section 728.145; or
 - 5) ~~Persons have~~ A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in ~~Sections~~ Section 728.140 and ~~728~~ Table T to this Part, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable ~~Subpart D~~ levels of Subpart D of this Part, the waste is prohibited from land disposal, and all requirements of this part are applicable, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.137 ~~Waste-Specific~~ Waste-Specific Prohibitions: — Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

- a) The wastes specified in 35 Ill. Adm. Code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems other than those whose discharge

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is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies.

- b) The wastes specified in 35 Ill. Adm. Code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems defined in 35 Ill. Adm. Code 704 and 730 as Class V injection wells, that do not engage in CWA-equivalent treatment before injection, are prohibited from land disposal.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as ~~U.S. EPA-USEPA~~ hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with ~~U.S. EPA-USEPA~~ hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as ~~U.S. EPA-USEPA~~ hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA; 33 ~~U.S.C.-U.S.C. §§~~ 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. “CWA-equivalent treatment₂”, as used in this Section, means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that

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can be demonstrated to perform equally to or better than these technologies.

- b) ~~On September 19, 1996, radioactive~~ Radioactive wastes that are mixed with any of ~~U.S. EPA-USEPA~~ hazardous waste ~~number-numbers~~ D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero dischargers that engage in CWA-equivalent treatment, as defined in subsection (a) ~~above of this Section~~, before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of ~~U.S. EPA-USEPA~~ hazardous waste ~~number-numbers~~ K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- c) ~~Between December 19, 1994 and September 19, 1996, the wastes included in subsection (b) above may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2). This subsection (c) corresponds with 40 CFR 268.38(c), which expired by its own terms on September 19, 1996. This statement maintains structural consistency with the corresponding federal regulations.~~
- d) The requirements of subsections (a), (b), and (c) ~~above of this Section~~ do not apply if any of the following applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in 728.Subpart D of this Part;
 - 2) ~~Persons have~~ A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) ~~Persons have~~ A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this ~~section~~ Section exceeds the applicable treatment standards specified in ~~Sections~~ Section 728.140 and ~~728.Table T to this Part~~, the initial generator must test a sample of the waste

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extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable ~~728. Subpart D~~ levels of Subpart D of this Part, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).
- c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- d) Radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land

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disposal.

- e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural ~~parity consistency~~ with the corresponding federal regulations.
- f) The requirements of subsections (a), (b), (c), and (d) of this Section do not apply if any of the following applies to the waste:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator ~~shall~~ must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable ~~728. Subpart D~~ levels of Subpart D of this Part, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes," may be land disposed only if it meets the requirements

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found in that Table. For each waste, Table T of this Part identifies one of three types of treatment standard requirements:

- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T of this Part for that waste (total waste standards);
 - 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T of this Part (waste extract standards); or
 - 3) The waste must be treated using the technology specified in Table T of this Part (technology standard), which is described in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards."
- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).
- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.
- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to ~~35 Ill. Adm. Code Section~~ 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the

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following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724.500, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.
- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, “Treatment Standards for Hazardous Wastes₂”; and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102.
- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods₂”; USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.
- g) This subsection (g) corresponds with 40 CFR 268.40(g), ~~added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired by its own terms on March 4, 1999.~~ This statement maintains structural consistency with the corresponding federal

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rules.

- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.
- i) ~~Zinc micronutrient fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1999), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~ This subsection (i) corresponds with 40 CFR 268.40(i), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal regulations.

~~BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.~~

- j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table T of this Part, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST at Table C, for wastewaters.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.141 Treatment Standards Expressed as Concentrations in Waste Extract

For the requirements previously found in this Section and for treatment standards in ~~Section 728.140 and 728.141~~ Section 728.140 and 728.141, refer to ~~Section 728.140 and 728.141~~ Section 728.140 and 728.141, "Table CCWE-Constituent Concentrations in Waste Extracts," and ~~Section 728.140 and 728.141~~ Section 728.140 and 728.141, "Treatment Standards for Hazardous Wastes," respectively.

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(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.142 Treatment Standards Expressed as Specified Technologies

- a) The following wastes listed in Table T of this Part, "Treatment Standards for Hazardous Wastes," for which standards are expressed as a treatment method rather than a concentration level, must be treated using the technology or technologies specified in Table C of this Part.
 - 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.
 - 2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724~~Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725~~Subpart O~~. These treatment standards do not apply where the waste is subject to a treatment standard codified in Subpart C of this Part for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).
 - 3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process that meet the criteria of the D001 ignitable liquids containing greater than 10 percent total organic constituents (TOC) subcategory are subject to the DEACT treatment standard described in Table C of this Part. For purposes of this subsection (a)(3), "de minimis losses" include the following:

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- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
 - B) Minor leaks from process equipment, storage tanks, or containers;
 - C) Leaks from well-maintained pump packings and seals;
 - D) Sample purgings; and
 - E) Relief device discharges.
- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c), and (d) of this Section for wastes or specified in Table F of this Part for hazardous debris. The applicant ~~shall~~must submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 and 39(h)] and that the treatment method is protective of human health and the environment. On the basis of such information and any other available information, the Agency ~~shall~~must approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), ~~of this Section and (c),~~ and (d) of this Section and in Table F of this Part, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued ~~shall~~must comply with all limitations contained in such determination.
- c) As an alternative to the otherwise applicable treatment standards of Subpart D of this Part, lab packs are eligible for land disposal provided the following requirements are met:
- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

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- 2) The lab pack does not contain any of the wastes listed in Appendix D of this Part;
 - 3) The lab packs are incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724, ~~Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725, ~~Subpart O~~; and
 - 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D of this Part.
- d) Radioactive hazardous mixed wastes are subject to the treatment standards in Section 728.140 and Table T of this Part. Where treatment standards are specified for radioactive mixed wastes in Table T of this Part, “Table of Treatment Standards₂”, those treatment standards will govern. Where there is no specific treatment standard for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by USEPA hazardous waste code) applies. Hazardous debris containing radioactive waste is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.143 Treatment Standards Expressed as Waste Concentrations

For the requirements previously found in this Section and for treatment standards in ~~Section 728~~, Table A to this Part, “CCW-Constituent Concentrations in Wastes₂”, refer to Section 728.140 and ~~728~~, Table T to this Part, “Treatment Standards for Hazardous Wastes₂”:

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.144 Adjustment of Treatment Standard

- a) Based on a petition filed by a generator or treater of hazardous waste, the Board will grant an adjusted standard from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:
 - 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because

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the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

- 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:
 - A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media); or
 - B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

BOARD NOTE: 40 CFR 268.44 refers to these as “treatability variances.” The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an “adjusted standard from a treatment standard” pursuant to subsections (a) through ~~(m)~~ (n) of this Section, or a “treatability exception” adopted pursuant to ~~subsections (m) et seq.~~ subsection (p) of this Section. While the latter is adopted by “identical in substance” rulemaking following a USEPA action, the former is an original Board action ~~which that~~ will be the only mechanism following authorization to the State of this component of the RCRA program.

- b) Each petition must be submitted in accordance with the procedures in Subpart D of 35 Ill. Adm. Code 106. Subpart G 104.
- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for

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submitting false information, including the possibility of fine and imprisonment.

- d) After receiving a petition for an adjusted treatment standard, the Board may request any additional information or samples ~~which~~that are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in Subpart D of 35 Ill. Adm. Code~~106.Subpart G 104~~. In conjunction with any updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. A LISTING OF ALL ADJUSTED STANDARDS GRANTED PURSUANT TO THIS SECTION WILL BE PUBLISHED IN THE ILLINOIS REGISTER AND ENVIRONMENTAL REGISTER AT THE END OF EACH FISCAL YEAR. (Section 28.1(d)(3) of the Environmental Protection Act [415 ILCS 5/28.1(d)(3)]~~-~~)
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard ~~shall~~must comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- h) Based on a petition filed by a generator or treater of hazardous waste, the Board will grant an ~~adjusted~~adjusted standard from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:
 - 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or
 - 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

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- A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media);
or
 - B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.
- 3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. An adjusted standard from a treatment standard granted under this subsection (h)(3) will include the following features:
- A) At a minimum, the adjusted standard from the treatment standard will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:
 - i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from 10^{-4} to 10^{-6} ; and
 - ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis without appreciable risk of deleterious effect during a lifetime.
 - B) The treatment adjusted standard will not consider post-land-disposal controls.
- 4) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) natural background concentrations at the site where the contaminated soil will be land disposed.

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- 5) The Board will follow the procedures of Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code ~~406.Subpart G 104~~ pertaining to public notice and a reasonable opportunity for public comment before granting or denying a petition.
- i) Each petition for a site-specific adjusted treatment standard must include the information in 35 Ill. Adm. Code 720.120(b)(1) through (b)(4).
- j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples ~~which~~ that the Board determines are necessary to evaluate the petition.
- k) A generator, treatment facility or disposal facility ~~which~~ that is managing a waste covered by a site-specific adjusted treatment standard ~~shall~~ must comply with the waste analysis requirements for restricted wastes in Section 728.107.
- l) During the petition review process, the petitioner for a site-specific adjusted treatment standard ~~shall~~ must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- m) For any adjusted standard from a treatment standard, the petitioner must also demonstrate that compliance with the requested adjusted standard is sufficient to minimize threats to human health and the environment posed by land disposal of the waste. In evaluating this demonstration, the Board will take into account whether the adjusted standard should be granted if the subject waste is to be used in a manner constituting disposal pursuant to Sections 728.120 through 728.123.
- n) This subsection (n) corresponds with 40 CFR 264.1030(n), marked “reserved” by USEPA. This statement maintains structural consistency with ~~USEPA rules~~ corresponding federal regulations.
- o) The facilities listed in Table H of this Part are excluded from the treatment standards under ~~Sections~~ Section 728.143(a) and Table B of this Part, and are subject to the constituent concentrations listed in Table H of this Part.
- p) If USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 ~~(1996)~~ and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)].

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BOARD NOTE: The Board will adopt the treatability exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows, unless the ~~Board~~ Agency has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart D for the waste contaminating the debris:
- 1) General. Hazardous debris must be treated for each “contaminant subject to treatment₂”, defined by subsection (b) of this Section, using the technology or technologies identified in Table F of this Part.
 - 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, or 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Table F of this Part.
 - 3) Mixtures of debris types. The treatment standards of Table F of this Part must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section must be treated for each contaminant using one or more treatment technologies identified in Table F of this Part. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each “contaminant subject to treatment₂”: The contaminants subject to treatment must

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be determined as follows:

- 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
 - 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which treatment standards are established for the waste under Section 728.140 and Table T of this Part.
 - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Table F of this Part and that does not exhibit a characteristic of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721.124 after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table F of this Part is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.
- d) Treatment residuals.
- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) of this Section:
 - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by Subpart D of this Part for the waste contaminating the debris.
 - 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) of this Section, must be deactivated prior to land disposal

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and is not subject to the waste-specific treatment standards of Subpart D of this Part.

- 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for USEPA hazardous waste number D003 under Section 728.140 and Table T of this Part.
- 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10 percent total organic carbon is subject to the technology specified in the treatment standard for USEPA hazardous waste number D001: Ignitable Liquids.
- 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that ~~remain~~ remains subject to the treatment standards of this Section.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.146 Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in ~~Section 728. Table G to this Part~~, as formerly referenced in this Section, refer to ~~Sections~~ Section 728.140 and 728. Table T to this Part, “Treatment Standards for Hazardous Wastes.”

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.148 Universal Treatment Standards

~~Section 728. Table U to this Part~~, “Universal Treatment Standards (UTS),” identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in ~~Section 728. Table U to this Part~~.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

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- a) **Applicability.** An owner or operator must comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	—	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined not to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Do not apply to the listed waste now.	—	Needs not comply with LDRs.

* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

- b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The

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treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

- c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection (c) or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.
 - 1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:
 - A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
 - B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.
 - C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.
 - 2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.
 - 3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain

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nonanalyzable constituents:

- A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or
 - B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.
- d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part, entitled "Universal Treatment Standards," that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.
- e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:
- 1) Soil residuals are subject to the treatment standards of this Section;
 - 2) Non-soil residuals are subject to the following requirements:
 - A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
 - B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

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- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C of this Part is prohibited, unless the following conditions are met:
- 1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a regulation under this Part and which must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and ~~shall~~must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)
 - 2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:
 - A) Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator ~~shall~~must comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
 - 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.
- b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

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- c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C), the prohibition in subsection (a) does not apply during the period of such exemption.
- e) The prohibition in subsection (a) of this Section does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.
- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) of this Section do not apply to such PCB wastes prohibited under Section 728.132.
- g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Appendix C List of Halogenated Organic Compounds Regulated under Section 728.132

In determining the concentration of halogenated organic compounds (HOCs) in a hazardous waste for purposes of the Section 728.132 land disposal prohibition, USEPA has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond ~~which~~ that are listed in this Appendix (see Section 728.102). This Appendix C to Part 728

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consists of the following compounds:

I. Volatiles

1. Bromodichloromethane
2. Bromomethane
3. Carbon Tetrachloride
4. Chlorobenzene
5. 2-Chloro-1,3-butadiene
6. Chlorodibromomethane
7. Chloroethane
8. 2-Chloroethyl vinyl ether
9. Chloroform
10. Chloromethane
11. 3-Chloropropene
12. 1,2-Dibromo-3-chloropropane
13. 1,2-Dibromomethane
14. Dibromomethane
15. Trans-1,4-Dichloro-2-butene
16. Dichlorodifluoromethane
17. 1,1-Dichloroethane
18. 1,2-Dichloroethane
19. 1,1-Dichloroethylene
20. Trans-1,2-Dichloroethene
21. 1,2-Dichloropropane
22. Trans-1,3-Dichloropropene
23. cis-1,3-Dichloropropene
24. Iodomethane
25. Methylene chloride
26. 1,1,1,2-Tetrachloroethane
27. 1,1,2,2-Tetrachloroethane
28. Tetrachloroethene
29. Tribromomethane
30. 1,1,1-Trichloroethane
31. 1,1,2-Trichloroethane
32. Trichloroethene
33. Trichloromonofluoromethane
34. 1,2,3-Trichloropropane
35. Vinyl Chloride

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II. Semivolatiles

1. Bis(2-chloroethoxy)ethane
2. Bis(2-chloroethyl)ether
3. Bis(2-chloroisopropyl)ether
4. p-Chloroaniline
5. Chlorobenzilate
6. p-Chloro- m-cresol
7. 2-Chloronaphthalene
8. 2-Chlorophenol
9. 3-Chloropropionitrile
10. m-Dichlorobenzene
11. o-Dichlorobenzene
12. p-Dichlorobenzene
13. 3,3'-Dichlorobenzidine
14. 2,4-Dichlorophenol
15. 2,6-Dichlorophenol
16. Hexachlorobenzene
17. Hexachlorobutadiene
18. Hexachlorocyclopentadiene
19. Hexachloroethane
20. Hexachlorophene
21. Hexachloropropene
22. 4,4'-Methylenebis(2-chloroaniline)
23. Pentachlorobenzene
24. Pentachloroethane
25. Pentachloronitrobenzene
26. Pentachlorophenol
27. Pronamide
28. 1,2,4,5-Tetrachlorobenzene
29. 2,3,4,6-Tetrachlorophenol
30. 1,2,4-Trichlorobenzene
31. 2,4,5-Trichlorophenol
32. 2,4,6-Trichlorophenol
33. Tris(2,3-dibromopropyl)phosphate

III. Organochlorine Pesticides

1. Aldrin
2. alpha-BHC

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3. beta-BHC
4. delta-BHC
5. gamma-BHC
6. Chlorodane
7. DDD
8. DDE
9. DDT
10. Dieldrin
11. Endosulfan I
12. Endosulfan II
13. Endrin
14. Endrin aldehyde
15. Heptachlor
16. Heptachlor epoxide
17. Isodrin
18. Kepone
19. Methoxychlor
20. Toxaphene

IV. Phenoxyacetic Acid Herbicides

1. 2,4-Dichlorophenoxyacetic acid
2. Silvex
3. 2,4,5-T

V. PCBs

1. Aroclor 1016
2. Aroclor 1221
3. Aroclor 1232
4. Aroclor 1242
5. Aroclor 1248
6. Aroclor 1254
7. Aroclor 1260
8. PCBs not otherwise specified

VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins
2. Hexachlorodibenzofuran
3. Pentachlorodibenzo-p-dioxins

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4. Pentachlorodibenzofuran
5. Tetrachlorodibenzo-p-dioxins
6. Tetrachlorodibenzofuran
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin

BOARD NOTE: Derived from 40 CFR 268, Appendix III, as added at 65 Fed. Reg. 81340 (December 26, 2000) (2002).

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Appendix D Wastes Excluded from Lab Packs

Hazardous waste with the following U.S. EPA-USEPA hazardous waste codes may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Appendix F Technologies to Achieve Deactivation of Characteristics

The treatment standard for many characteristic wastes is stated in ~~the Section 728. Table T of this Part~~, entitled "Treatment Standards for Hazardous Wastes," as "DEACT and meet Section 728.148 standards." USEPA has determined that many technologies, when used alone or in combination, can achieve the deactivation portion of the treatment standard. Characteristic wastes that are not managed in a facility regulated by the CWA or in a CWA-equivalent facility, and that also contain underlying hazardous constituents (see Section 728.102(i)) must be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve the universal treatment standards (UTS) for underlying hazardous constituents. This ~~appendix Appendix F~~ presents a partial list of technologies, utilizing the five letter technology codes established in Table C of this Part, that may be useful in meeting the treatment standard. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies, provided deactivation is achieved and underlying hazardous constituents are treated to achieve the UTS.

Waste code/subcategory	Nonwastewaters	Wastewaters
D001 Ignitable Liquids based on 35 Ill. Adm. Code	RORGS	n.a.
721.121(a)(1)—Low TOC Nonwastewater	WETOX	

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Subcategory (containing one percent to <10 percent TOC)	INCIN CHOXD BIODG	
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)—Ignitable Wastewater Subcategory (containing 1one percent TOC)	n.a.	WETOX RORGs INCIN CHOXD BIODG
D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3)	RCGAS FSUBS INCIN ADGAS fb. INCIN ADGAS fb. (CHOXD; or CHRED)	n.a.
D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2)	WTRRX CHOXD CHRED STABL INCIN	n.a.
D001 Ignitable Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4)	CHRED INCIN	CHRED INCIN
D002 Acid Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH less than or equal to 2 two	RCORR NEUTR INCIN	NEUTR INCIN
D002 Alkaline Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH greater than or equal to 12.5	NEUTR INCIN	NEUTR INCIN
D002 Other Corrosives based on 35 Ill. Adm. Code 721.122(a)(2)	CHOXD CHRED INCIN STABL	CHOXD CHRED INCIN
D003 Water Reactives based on 35 Ill. Adm. Code 721.123(a)(2), <u>(a)(3)</u> ₂ and <u>(a)(4)</u>	INCIN WTRRX CHOXD CHRED	n.a.
D003 Reactive Sulfides based on 35 Ill. Adm. Code 721.123(a)(5)	CHOXD CHRED INCIN	CHOXD CHRED BIODG

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D003 Explosives based on 35 Ill. Adm. Code 721.123(a)-(6), <u>(a)(7)</u> ₂ and <u>(a)(8)</u>	STABL INCIN CHOXD CHRED	INCIN INCIN CHOXD CHRED BIODG CARBN
D003 Other Reactives based on 35 Ill. Adm. Code 721.123(a)(1)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
K044 Wastewater treatment sludges from the manufacturing and processing of explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K045 Spent carbon from the treatment of wastewaters containing explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K047 Pink/red water from TNT operations	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN

Note: "n.a." stands for "not applicable."
"fb." Stands for "followed by."

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Appendix G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND
DEBRIS) REGULATED IN THE LDRS^a—COMPREHENSIVE LIST

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Waste code	Waste category	Effective date
D001 ^c	All (except High TOC Ignitable Liquids)	Aug. August 9, 1993.
D001	High TOC Ignitable Liquids	Aug. August 8, 1990.
D002 ^c	All	Aug. August 9, 1993.
D003 ^e	Newly identified surface-disposed elemental phosphorus processing wastes	May 26, 2000.
D004	Newly identified D004 and mineral processing wastes	Aug. August 24, 1998.
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000.
D005	Newly identified D005 and mineral processing wastes	Aug. August 24, 1998.
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000.
D006	Newly identified D006 and mineral processing wastes	Aug. August 24, 1998.
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000.
D007	Newly identified D007 and mineral processing wastes	Aug. August 24, 1998.
D007	Mixed radioactive/newly identified D007 or mineral processing wastes	May 26, 2000.
D008	Newly identified D008 and mineral processing waste	Aug. August 24, 1998.
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000.
D009	Newly identified D009 and mineral processing waste	Aug. August 24, 1998.
D009	Mixed radioactive/newly identified D009 or mineral processing wastes	May 26, 2000.
D010	Newly identified D010 and mineral processing wastes	Aug. August 24, 1998.
D010	Mixed radioactive/newly identified D010 or mineral processing wastes	May 26, 2000.
D011	Newly identified D011 and mineral processing wastes	Aug. August 24, 1998.

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D011	Mixed radioactive/newly identified D011 or mineral processing wastes	May 26, 2000-
D012 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D013 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D014 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D015 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D016 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D017 (that exhibit the toxicity characteristic based on the TCLP) ^d	All	Dec. <u>December 14,</u> 1994.
D018	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
D018	All others	Dec. <u>December 19,</u> 1994.
D019	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
D019	All others	Dec. <u>December 19,</u> 1994.
D020	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
D020	All others	Dec. <u>December 19,</u> 1994.
D021	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
D021	All others	Dec. <u>December 19,</u> 1994.
D022	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
D022	All others	Dec. <u>December 19,</u> 1994.

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D023	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D023	All others	Dec. <u>December</u> 19, 1994.
D024	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D024	All others	Dec. <u>December</u> 19, 1994.
D025	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D025	All others	Dec. <u>December</u> 19, 1994.
D026	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D026	All others	Dec. <u>December</u> 19, 1994.
D027	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D027	All others	Dec. <u>December</u> 19, 1994.
D028	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D028	All others	Dec. <u>December</u> 19, 1994.
D029	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D029	All others	Dec. <u>December</u> 19, 1994.
D030	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D030	All others	Dec. <u>December</u> 19, 1994.
D031	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D031	All others	Dec. <u>December</u> 19, 1994.
D032	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D032	All others	Dec. <u>December</u> 19, 1994.

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D033	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D033	All others	Dec. <u>December</u> 19, 1994.
D034	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D034	All others	Dec. <u>December</u> 19, 1994.
D035	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D035	All others	Dec. <u>December</u> 19, 1994.
D036	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D036	All others	Dec. <u>December</u> 19, 1994.
D037	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D037	All others	Dec. <u>December</u> 19, 1994.
D038	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D038	All others	Dec. <u>December</u> 19, 1994.
D039	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D039	All others	Dec. <u>December</u> 19, 1994.
D040	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D040	All others	Dec. <u>December</u> 19, 1994.
D041	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D041	All others	Dec. <u>December</u> 19, 1994.
D042	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
D042	All others	Dec. <u>December</u> 19, 1994.

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D043	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996-
D043	All others	Dec. <u>December 19,</u> 1994-
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. <u>November 8,</u> 1988-
F001	All others	Nov. <u>November 8,</u> 1986-
F002 (1,1,2-trichloroethane)	Wastewater and Nonwastewater	Aug. <u>August 8,</u> 1990-
F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. <u>November 8,</u> 1988-
F002	All others	Nov. <u>November 8,</u> 1986-
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. <u>November 8,</u> 1988-
F003	All others	Nov. <u>November 8,</u> 1986-
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. <u>November 8,</u> 1988-
F004	All others	Nov. <u>November 8,</u> 1986-
F005 (benzene, 2-ethoxy ethanol, 2-nitropropane)	Wastewater and Nonwastewater	Aug. <u>August 8,</u> 1990-
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. <u>November 8,</u> 1988-
F005	All others	Nov. <u>November 8,</u> 1986-
F006	Wastewater	Aug. <u>August 8,</u> 1990-

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F006	Nonwastewater	Aug- <u>August 8,</u> 1988-
F006 (cyanides)	Nonwastewater	July 8, 1989-
F007	All	July 8, 1989-
F008	All	July 8, 1989-
F009	All	July 8, 1989-
F010	All	June 8, 1989-
F011 (cyanides)	Nonwastewater	Dec.-December 8, 1989-
F011	All others	July 8, 1989-
F012 (cyanides)	Nonwastewater	Dec.-December 8, 1989-
F012	All others	July 8, 1989-
F019	All	Aug- <u>August 8,</u> 1990-
F020	All	Nov.-November 8, 1988-
F021	All	Nov.-November 8, 1988-
F025	All	Aug- <u>August 8,</u> 1990-
F026	All	Nov.-November 8, 1988-
F027	All	Nov.-November 8, 1988-
F028	All	Nov.-November 8, 1988-
F032	Mixed with radioactive wastes	May 12, 1999-
F032	All others	Aug- <u>August 12,</u> 1997-
F034	Mixed with radioactive wastes	May 12, 1999-
F034	All others	Aug- <u>August 12,</u> 1997-
F035	Mixed with radioactive wastes	May 12, 1999-
F035	All others	Aug- <u>August 12,</u> 1997-
F037	Not generated from surface impoundment cleanouts or closures	June 30, 1993-
F037	Generated from surface impoundment cleanouts or closures	June 30, 1994-

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F037	Mixed with radioactive wastes	June 30, 1994-
F038	Not generated from surface impoundment cleanouts or closures	June 30, 1993-
F038	Generated from surface impoundment cleanouts or closures	June 30, 1994-
F038	Mixed with radioactive wastes	June 30, 1994-
F039	Wastewater	Aug- <u>August 8,</u> 1990-
F039	Nonwastewater	May 8, 1992-
K001 (organics) ^b	All	Aug- <u>August 8,</u> 1988-
K001	All others	Aug- <u>August 8,</u> 1988-
K002	All	Aug- <u>August 8,</u> 1990-
K003	All	Aug- <u>August 8,</u> 1990-
K004	Wastewater	Aug- <u>August 8,</u> 1990-
K004	Nonwastewater	Aug- <u>August 8,</u> 1988-
K005	Wastewater	Aug- <u>August 8,</u> 1990-
K005	Nonwastewater	June 8, 1989-
K006	All	Aug- <u>August 8,</u> 1990-
K007	Wastewater	Aug- <u>August 8,</u> 1990-
K007	Nonwastewater	June 8, 1989-
K008	Wastewater	Aug- <u>August 8,</u> 1990-
K008	Nonwastewater	Aug- <u>August 8,</u> 1988-
K009	All	June 8, 1989-
K010	All	June 8, 1989-
K011	Wastewater	Aug- <u>August 8,</u> 1990-
K011	Nonwastewater	June 8, 1989-
K013	Wastewater	Aug- <u>August 8,</u> 1990-

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K013	Nonwastewater	June 8, 1989-
K014	Wastewater	Aug- August 8, 1990-
K014	Nonwastewater	June 8, 1989-
K015	Wastewater	Aug- August 8, 1988-
K015	Nonwastewater	Aug- August 8, 1990-
K016	All	Aug- August 8, 1988-
K017	All	Aug- August 8, 1990-
K018	All	Aug- August 8, 1988-
K019	All	Aug- August 8, 1988-
K020	All	Aug- August 8, 1988-
K021	Wastewater	Aug- August 8, 1990-
K021	Nonwastewater	Aug- August 8, 1988-
K022	Wastewater	Aug- August 8, 1990-
K022	Nonwastewater	Aug- August 8, 1988-
K023	All	June 8, 1989-
K024	All	Aug- August 8, 1988-
K025	Wastewater	Aug- August 8, 1990-
K025	Nonwastewater	Aug- August 8, 1988-
K026	All	Aug- August 8, 1990-
K027	All	June 8, 1989-
K028 (metals)	Nonwastewater	Aug- August 8, 1990-
K028	All others	June 8, 1989-

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K029	Wastewater	Aug- <u>August 8,</u> 1990-
K029	Nonwastewater	June 8, 1989-
K030	All	Aug- <u>August 8,</u> 1988-
K031	Wastewater	Aug- <u>August 8,</u> 1990-
K031	Nonwastewater	May 8, 1992-
K032	All	Aug- <u>August 8,</u> 1990-
K033	All	Aug- <u>August 8,</u> 1990-
K034	All	Aug- <u>August 8,</u> 1990-
K035	All	Aug- <u>August 8,</u> 1990-
K036	Wastewater	June 8, 1989-
K036	Nonwastewater	Aug- <u>August 8,</u> 1988-
K037 ^b	Wastewater	Aug- <u>August 8,</u> 1988-
K037	Nonwastewater	Aug- <u>August 8,</u> 1988-
K038	All	June 8, 1989-
K039	All	June 8, 1989-
K040	All	June 8, 1989-
K041	All	Aug- <u>August 8,</u> 1990-
K042	All	Aug- <u>August 8,</u> 1990-
K043	All	June 8, 1989-
K044	All	Aug- <u>August 8,</u> 1988-
K045	All	Aug- <u>August 8,</u> 1988-
K046 (Nonreactive)	Nonwastewater	Aug- <u>August 8,</u> 1988-
K046	All others	Aug- <u>August 8,</u> 1990-

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K047	All	Aug- <u>August 8,</u> 1988-
K048	Wastewater	Aug- <u>August 8,</u> 1990-
K048	Nonwastewater	Nov- <u>November 8,</u> 1990-
K049	Wastewater	Aug- <u>August 8,</u> 1990-
K049	Nonwastewater	Nov- <u>November 8,</u> 1990-
K050	Wastewater	Aug- <u>August 8,</u> 1990-
K050	Nonwastewater	Nov- <u>November 8,</u> 1990-
K051	Wastewater	Aug- <u>August 8,</u> 1990-
K051	Nonwastewater	Nov- <u>November 8,</u> 1990-
K052	Wastewater	Aug- <u>August 8,</u> 1990-
K052	Nonwastewater	Nov- <u>November 8,</u> 1990-
K060	Wastewater	Aug- <u>August 8,</u> 1990-
K060	Nonwastewater	Aug- <u>August 8,</u> 1988-
K061	Wastewater	Aug- <u>August 8,</u> 1990-
K061	Nonwastewater	June 30, 1992-
K062	All	Aug- <u>August 8,</u> 1988-
K069 (Non-Calcium Sulfate) (non-calcium sulfate)	Nonwastewater	Aug- <u>August 8,</u> 1988-
K069	All others	Aug- <u>August 8,</u> 1990-
K071	All	Aug- <u>August 8,</u> 1990-
K073	All	Aug- <u>August 8,</u> 1990-

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K083	All	Aug- <u>August 8,</u> 1990-
K084	Wastewater	Aug- <u>August 8,</u> 1990-
K084	Nonwastewater	May 8, 1992-
K085	All	Aug- <u>August 8,</u> 1990-
K086 (organics) ^b	All	Aug- <u>August 8,</u> 1988-
K086	All others	Aug- <u>August 8,</u> 1988-
K087	All	Aug- <u>August 8,</u> 1988-
K088	Mixed with radioactive wastes	Apr- <u>April 8,</u> 1998-
K088	All others	Oct- <u>October 8,</u> 1997-
K093	All	June 8, 1989-
K094	All	June 8, 1989-
K095	Wastewater	Aug- <u>August 8,</u> 1990-
K095	Nonwastewater	June 8, 1989-
K096	Wastewater	Aug- <u>August 8,</u> 1990-
K096	Nonwastewater	June 8, 1989-
K097	All	Aug- <u>August 8,</u> 1990-
K098	All	Aug- <u>August 8,</u> 1990-
K099	All	Aug- <u>August 8,</u> 1988-
K100	Wastewater	Aug- <u>August 8,</u> 1990-
K100	Nonwastewater	Aug- <u>August 8,</u> 1988-
K101 (organics)	Wastewater	Aug- <u>August 8,</u> 1988-
K101 (metals)	Wastewater	Aug- <u>August 8,</u> 1990-
K101 (organics)	Nonwastewater	Aug- <u>August 8,</u> 1988-

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K101 (metals)	Nonwastewater	May 8, 1992-
K102 (organics)	Wastewater	Aug.-August 8, 1988-
K102 (metals)	Wastewater	Aug.-August 8, 1990-
K102 (organics)	Nonwastewater	Aug.-August 8, 1988-
K102 (metals)	Nonwastewater	May 8, 1992-
K103	All	Aug.-August 8, 1988-
K104	All	Aug.-August 8, 1988-
K105	All	Aug.-August 8, 1990-
K106	Wastewater	Aug.-August 8, 1990-
K106	Nonwastewater	May 8, 1992-
K107	Mixed with radioactive wastes	June 30, 1994-
K107	All others	Nov.-November 9, 1992-
K108	Mixed with radioactive wastes	June 30, 1994-
K108	All others	Nov.-November 9, 1992-
K109	Mixed with radioactive wastes	June 30, 1994-
K109	All others	Nov.-November 9, 1992-
K110	Mixed with radioactive wastes	June 30, 1994-
K110	All others	Nov.-November 9, 1992-
K111	Mixed with radioactive wastes	June 30, 1994-
K111	All others	Nov.-November 9, 1992-
K112	Mixed with radioactive wastes	June 30, 1994-
K112	All others	Nov.-November 9, 1992-
K113	All	June 8, 1989-
K114	All	June 8, 1989-
K115	All	June 8, 1989-
K116	All	June 8, 1989-
K117	Mixed with radioactive wastes	June 30, 1994-

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K117	All others	Nov. <u>November 9,</u> 1992.
K118	Mixed with radioactive wastes	June 30, 1994.
K118	All others	Nov. <u>November 9,</u> 1992.
K123	Mixed with radioactive wastes	June 30, 1994.
K123	All others	Nov. <u>November 9,</u> 1992.
K124	Mixed with radioactive wastes	June 30, 1994.
K124	All others	Nov. <u>November 9,</u> 1992.
K125	Mixed with radioactive wastes	June 30, 1994.
K125	All others	Nov. <u>November 9,</u> 1992.
K126	Mixed with radioactive wastes	June 30, 1994.
K126	All others	Nov. <u>November 9,</u> 1992.
K131	Mixed with radioactive wastes	June 30, 1994.
K131	All others	Nov. <u>November 9,</u> 1992.
K132	Mixed with radioactive wastes	June 30, 1994.
K132	All others	Nov. <u>November 9,</u> 1992.
K136	Mixed with radioactive wastes	June 30, 1994.
K136	All others	Nov. <u>November 9,</u> 1992.
K141	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
K141	All others	Dec. <u>December 19,</u> 1994.
K142	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
K142	All others	Dec. <u>December 19,</u> 1994.
K143	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.
K143	All others	Dec. <u>December 19,</u> 1994.
K144	Mixed with radioactive wastes	Sep. <u>September 19,</u> 1996.

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K144	All others	Dec. <u>December</u> 19, 1994.
K145	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K145	All others	Dec. <u>December</u> 19, 1994.
K147	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K147	All others	Dec. <u>December</u> 19, 1994.
K148	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K148	All others	Dec. <u>December</u> 19, 1994.
K149	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K149	All others	Dec. <u>December</u> 19, 1994.
K150	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K150	All others	Dec. <u>December</u> 19, 1994.
K151	Mixed with radioactive wastes	Sep. <u>September</u> 19, 1996.
K151	All others	Dec. <u>December</u> 19, 1994.
K156	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K156	All others	July 8, 1996-
K157	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K157	All others	July 8, 1996-
K158	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K158	All others	July 8, 1996-
K159	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K159	All others	July 8, 1996-
K160	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K160	All others	July 8, 1996-
K161	Mixed with radioactive wastes	Apr. <u>April</u> 8, 1998-
K161	All others	July 8, 1996-
P001	All	Aug. <u>August</u> 8, 1990-

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P002	All	Aug- <u>August 8,</u> 1990-
P003	All	Aug- <u>August 8,</u> 1990-
P004	All	Aug- <u>August 8,</u> 1990-
P005	All	Aug- <u>August 8,</u> 1990-
P006	All	Aug- <u>August 8,</u> 1990-
P007	All	Aug- <u>August 8,</u> 1990-
P008	All	Aug- <u>August 8,</u> 1990-
P009	All	Aug- <u>August 8,</u> 1990-
P010	Wastewater	Aug- <u>August 8,</u> 1990-
P010	Nonwastewater	May 8, 1992-
P011	Wastewater	Aug- <u>August 8,</u> 1990-
P011	Nonwastewater	May 8, 1992-
P012	Wastewater	Aug- <u>August 8,</u> 1990-
P012	Nonwastewater	May 8, 1992-
P013 (barium)	Nonwastewater	Aug- <u>August 8,</u> 1990-
P013	All others	June 8, 1989-
P014	All	Aug- <u>August 8,</u> 1990-
P015	All	Aug- <u>August 8,</u> 1990-
P016	All	Aug- <u>August 8,</u> 1990-
P017	All	Aug- <u>August 8,</u> 1990-
P018	All	Aug- <u>August 8,</u> 1990-
P020	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P021	All	June 8, 1989-
P022	All	Aug- August 8, 1990-
P023	All	Aug- August 8, 1990-
P024	All	Aug- August 8, 1990-
P026	All	Aug- August 8, 1990-
P027	All	Aug- August 8, 1990-
P028	All	Aug- August 8, 1990-
P029	All	June 8, 1989-
P030	All	June 8, 1989-
P031	All	Aug- August 8, 1990-
P033	All	Aug- August 8, 1990-
P034	All	Aug- August 8, 1990-
P036	Wastewater	Aug- August 8, 1990-
P036	Nonwastewater	May 8, 1992-
P037	All	Aug- August 8, 1990-
P038	Wastewater	Aug- August 8, 1990-
P038	Nonwastewater	May 8, 1992-
P039	All	June 8, 1989-
P040	All	June 8, 1989-
P041	All	June 8, 1989-
P042	All	Aug- August 8, 1990-
P043	All	June 8, 1989-
P044	All	June 8, 1989-
P045	All	Aug- August 8, 1990-
P046	All	Aug- August 8, 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P047	All	Aug- August 8, 1990-
P048	All	Aug- August 8, 1990-
P049	All	Aug- August 8, 1990-
P050	All	Aug- August 8, 1990-
P051	All	Aug- August 8, 1990-
P054	All	Aug- August 8, 1990-
P056	All	Aug- August 8, 1990-
P057	All	Aug- August 8, 1990-
P058	All	Aug- August 8, 1990-
P059	All	Aug- August 8, 1990-
P060	All	Aug- August 8, 1990-
P062	All	June 8, 1989-
P063	All	June 8, 1989-
P064	All	Aug- August 8, 1990-
P065	Wastewater	Aug- August 8, 1990-
P065	Nonwastewater	May 8, 1992-
P066	All	Aug- August 8, 1990-
P067	All	Aug- August 8, 1990-
P068	All	Aug- August 8, 1990-
P069	All	Aug- August 8, 1990-
P070	All	Aug- August 8, 1990-
P071	All	June 8, 1989-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P072	All	Aug- <u>August 8,</u> 1990-
P073	All	Aug- <u>August 8,</u> 1990-
P074	All	June 8, 1989-
P075	All	Aug- <u>August 8,</u> 1990-
P076	All	Aug- <u>August 8,</u> 1990-
P077	All	Aug- <u>August 8,</u> 1990-
P078	All	Aug- <u>August 8,</u> 1990-
P081	All	Aug- <u>August 8,</u> 1990-
P082	All	Aug- <u>August 8,</u> 1990-
P084	All	Aug- <u>August 8,</u> 1990-
P085	All	June 8, 1989-
P087	All	May 8, 1992-
P088	All	Aug- <u>August 8,</u> 1990-
P089	All	June 8, 1989-
P092	Wastewater	Aug- <u>August 8,</u> 1990-
P092	Nonwastewater	May 8, 1992-
P093	All	Aug- <u>August 8,</u> 1990-
P094	All	June 8, 1989-
P095	All	Aug- <u>August 8,</u> 1990-
P096	All	Aug- <u>August 8,</u> 1990-
P097	All	June 8, 1989-
P098	All	June 8, 1989-
P099 (silver)	Wastewater	Aug- <u>August 8,</u> 1990-
P099	All others	June 8, 1989-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P101	All	Aug- <u>August 8,</u> 1990-
P102	All	Aug- <u>August 8,</u> 1990-
P103	All	Aug- <u>August 8,</u> 1990-
P104 (silver)	Wastewater	Aug- <u>August 8,</u> 1990-
P104	All others	June 8, 1989-
P105	All	Aug- <u>August 8,</u> 1990-
P106	All	June 8, 1989-
P108	All	Aug- <u>August 8,</u> 1990-
P109	All	June 8, 1989-
P110	All	Aug- <u>August 8,</u> 1990-
P111	All	June 8, 1989-
P112	All	Aug- <u>August 8,</u> 1990-
P113	All	Aug- <u>August 8,</u> 1990-
P114	All	Aug- <u>August 8,</u> 1990-
P115	All	Aug- <u>August 8,</u> 1990-
P116	All	Aug- <u>August 8,</u> 1990-
P118	All	Aug- <u>August 8,</u> 1990-
P119	All	Aug- <u>August 8,</u> 1990-
P120	All	Aug- <u>August 8,</u> 1990-
P121	All	June 8, 1989-
P122	All	Aug- <u>August 8,</u> 1990-
P123	All	Aug- <u>August 8,</u> 1990-
P127	Mixed with radioactive wastes	Apr- <u>April 8,</u> 1998-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P127	All others	July 8, 1996-
P128	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P128	All others	July 8, 1996-
P185	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P185	All others	July 8, 1996-
P188	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P188	All others	July 8, 1996-
P189	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P189	All others	July 8, 1996-
P190	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P190	All others	July 8, 1996-
P191	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P191	All others	July 8, 1996-
P192	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P192	All others	July 8, 1996-
P194	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P194	All others	July 8, 1996-
P196	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P196	All others	July 8, 1996-
P197	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P197	All others	July 8, 1996-
P198	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P198	All others	July 8, 1996-
P199	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P199	All others	July 8, 1996-
P201	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P201	All others	July 8, 1996-
P202	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P202	All others	July 8, 1996-
P203	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P203	All others	July 8, 1996-
P204	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P204	All others	July 8, 1996-
P205	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
P205	All others	July 8, 1996-
U001	All	Aug. <u>August 8,</u> 1990-
U002	All	Aug. <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U003	All	Aug- <u>August 8,</u> 1990-
U004	All	Aug- <u>August 8,</u> 1990-
U005	All	Aug- <u>August 8,</u> 1990-
U006	All	Aug- <u>August 8,</u> 1990-
U007	All	Aug- <u>August 8,</u> 1990-
U008	All	Aug- <u>August 8,</u> 1990-
U009	All	Aug- <u>August 8,</u> 1990-
U010	All	Aug- <u>August 8,</u> 1990-
U011	All	Aug- <u>August 8,</u> 1990-
U012	All	Aug- <u>August 8,</u> 1990-
U014	All	Aug- <u>August 8,</u> 1990-
U015	All	Aug- <u>August 8,</u> 1990-
U016	All	Aug- <u>August 8,</u> 1990-
U017	All	Aug- <u>August 8,</u> 1990-
U018	All	Aug- <u>August 8,</u> 1990-
U019	All	Aug- <u>August 8,</u> 1990-
U020	All	Aug- <u>August 8,</u> 1990-
U021	All	Aug- <u>August 8,</u> 1990-
U022	All	Aug- <u>August 8,</u> 1990-
U023	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U024	All	Aug- <u>August 8,</u> 1990-
U025	All	Aug- <u>August 8,</u> 1990-
U026	All	Aug- <u>August 8,</u> 1990-
U027	All	Aug- <u>August 8,</u> 1990-
U028	All	June 8, 1989-
U029	All	Aug- <u>August 8,</u> 1990-
U030	All	Aug- <u>August 8,</u> 1990-
U031	All	Aug- <u>August 8,</u> 1990-
U032	All	Aug- <u>August 8,</u> 1990-
U033	All	Aug- <u>August 8,</u> 1990-
U034	All	Aug- <u>August 8,</u> 1990-
U035	All	Aug- <u>August 8,</u> 1990-
U036	All	Aug- <u>August 8,</u> 1990-
U037	All	Aug- <u>August 8,</u> 1990-
U038	All	Aug- <u>August 8,</u> 1990-
U039	All	Aug- <u>August 8,</u> 1990-
U041	All	Aug- <u>August 8,</u> 1990-
U042	All	Aug- <u>August 8,</u> 1990-
U043	All	Aug- <u>August 8,</u> 1990-
U044	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U045	All	Aug- <u>August 8,</u> 1990-
U046	All	Aug- <u>August 8,</u> 1990-
U047	All	Aug- <u>August 8,</u> 1990-
U048	All	Aug- <u>August 8,</u> 1990-
U049	All	Aug- <u>August 8,</u> 1990-
U050	All	Aug- <u>August 8,</u> 1990-
U051	All	Aug- <u>August 8,</u> 1990-
U052	All	Aug- <u>August 8,</u> 1990-
U053	All	Aug- <u>August 8,</u> 1990-
U055	All	Aug- <u>August 8,</u> 1990-
U056	All	Aug- <u>August 8,</u> 1990-
U057	All	Aug- <u>August 8,</u> 1990-
U058	All	June 8, 1989-
U059	All	Aug- <u>August 8,</u> 1990-
U060	All	Aug- <u>August 8,</u> 1990-
U061	All	Aug- <u>August 8,</u> 1990-
U062	All	Aug- <u>August 8,</u> 1990-
U063	All	Aug- <u>August 8,</u> 1990-
U064	All	Aug- <u>August 8,</u> 1990-
U066	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U067	All	Aug- <u>August 8,</u> 1990-
U068	All	Aug- <u>August 8,</u> 1990-
U069	All	June 30, 1992-
U070	All	Aug- <u>August 8,</u> 1990-
U071	All	Aug- <u>August 8,</u> 1990-
U072	All	Aug- <u>August 8,</u> 1990-
U073	All	Aug- <u>August 8,</u> 1990-
U074	All	Aug- <u>August 8,</u> 1990-
U075	All	Aug- <u>August 8,</u> 1990-
U076	All	Aug- <u>August 8,</u> 1990-
U077	All	Aug- <u>August 8,</u> 1990-
U078	All	Aug- <u>August 8,</u> 1990-
U079	All	Aug- <u>August 8,</u> 1990-
U080	All	Aug- <u>August 8,</u> 1990-
U081	All	Aug- <u>August 8,</u> 1990-
U082	All	Aug- <u>August 8,</u> 1990-
U083	All	Aug- <u>August 8,</u> 1990-
U084	All	Aug- <u>August 8,</u> 1990-
U085	All	Aug- <u>August 8,</u> 1990-
U086	All	Aug- <u>August 8,</u> 1990-
U087	All	June 8, 1989-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U088	All	June 8, 1989-
U089	All	Aug- August 8, 1990-
U090	All	Aug- August 8, 1990-
U091	All	Aug- August 8, 1990-
U092	All	Aug- August 8, 1990-
U093	All	Aug- August 8, 1990-
U094	All	Aug- August 8, 1990-
U095	All	Aug- August 8, 1990-
U096	All	Aug- August 8, 1990-
U097	All	Aug- August 8, 1990-
U098	All	Aug- August 8, 1990-
U099	All	Aug- August 8, 1990-
U101	All	Aug- August 8, 1990-
U102	All	June 8, 1989-
U103	All	Aug- August 8, 1990-
U105	All	Aug- August 8, 1990-
U106	All	Aug- August 8, 1990-
U107	All	June 8, 1989-
U108	All	Aug- August 8, 1990-
U109	All	Aug- August 8, 1990-
U110	All	Aug- August 8, 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U111	All	Aug- <u>August 8,</u> 1990-
U112	All	Aug- <u>August 8,</u> 1990-
U113	All	Aug- <u>August 8,</u> 1990-
U114	All	Aug- <u>August 8,</u> 1990-
U115	All	Aug- <u>August 8,</u> 1990-
U116	All	Aug- <u>August 8,</u> 1990-
U117	All	Aug- <u>August 8,</u> 1990-
U118	All	Aug- <u>August 8,</u> 1990-
U119	All	Aug- <u>August 8,</u> 1990-
U120	All	Aug- <u>August 8,</u> 1990-
U121	All	Aug- <u>August 8,</u> 1990-
U122	All	Aug- <u>August 8,</u> 1990-
U123	All	Aug- <u>August 8,</u> 1990-
U124	All	Aug- <u>August 8,</u> 1990-
U125	All	Aug- <u>August 8,</u> 1990-
U126	All	Aug- <u>August 8,</u> 1990-
U127	All	Aug- <u>August 8,</u> 1990-
U128	All	Aug- <u>August 8,</u> 1990-
U129	All	Aug- <u>August 8,</u> 1990-
U130	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U131	All	Aug- <u>August 8,</u> 1990-
U132	All	Aug- <u>August 8,</u> 1990-
U133	All	Aug- <u>August 8,</u> 1990-
U134	All	Aug- <u>August 8,</u> 1990-
U135	All	Aug- <u>August 8,</u> 1990-
U136	Wastewater	Aug- <u>August 8,</u> 1990-
U136	Nonwastewater	May 8, 1992-
U137	All	Aug- <u>August 8,</u> 1990-
U138	All	Aug- <u>August 8,</u> 1990-
U140	All	Aug- <u>August 8,</u> 1990-
U141	All	Aug- <u>August 8,</u> 1990-
U142	All	Aug- <u>August 8,</u> 1990-
U143	All	Aug- <u>August 8,</u> 1990-
U144	All	Aug- <u>August 8,</u> 1990-
U145	All	Aug- <u>August 8,</u> 1990-
U146	All	Aug- <u>August 8,</u> 1990-
U147	All	Aug- <u>August 8,</u> 1990-
U148	All	Aug- <u>August 8,</u> 1990-
U149	All	Aug- <u>August 8,</u> 1990-
U150	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U151	Wastewater	Aug- <u>August 8,</u> 1990-
U151	Nonwastewater	May 8, 1992-
U152	All	Aug- <u>August 8,</u> 1990-
U153	All	Aug- <u>August 8,</u> 1990-
U154	All	Aug- <u>August 8,</u> 1990-
U155	All	Aug- <u>August 8,</u> 1990-
U156	All	Aug- <u>August 8,</u> 1990-
U157	All	Aug- <u>August 8,</u> 1990-
U158	All	Aug- <u>August 8,</u> 1990-
U159	All	Aug- <u>August 8,</u> 1990-
U160	All	Aug- <u>August 8,</u> 1990-
U161	All	Aug- <u>August 8,</u> 1990-
U162	All	Aug- <u>August 8,</u> 1990-
U163	All	Aug- <u>August 8,</u> 1990-
U164	All	Aug- <u>August 8,</u> 1990-
U165	All	Aug- <u>August 8,</u> 1990-
U166	All	Aug- <u>August 8,</u> 1990-
U167	All	Aug- <u>August 8,</u> 1990-
U168	All	Aug- <u>August 8,</u> 1990-
U169	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U170	All	Aug- <u>August 8,</u> 1990-
U171	All	Aug- <u>August 8,</u> 1990-
U172	All	Aug- <u>August 8,</u> 1990-
U173	All	Aug- <u>August 8,</u> 1990-
U174	All	Aug- <u>August 8,</u> 1990-
U176	All	Aug- <u>August 8,</u> 1990-
U177	All	Aug- <u>August 8,</u> 1990-
U178	All	Aug- <u>August 8,</u> 1990-
U179	All	Aug- <u>August 8,</u> 1990-
U180	All	Aug- <u>August 8,</u> 1990-
U181	All	Aug- <u>August 8,</u> 1990-
U182	All	Aug- <u>August 8,</u> 1990-
U183	All	Aug- <u>August 8,</u> 1990-
U184	All	Aug- <u>August 8,</u> 1990-
U185	All	Aug- <u>August 8,</u> 1990-
U186	All	Aug- <u>August 8,</u> 1990-
U187	All	Aug- <u>August 8,</u> 1990-
U188	All	Aug- <u>August 8,</u> 1990-
U189	All	Aug- <u>August 8,</u> 1990-
U190	All	June 8, 1989-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U191	All	Aug- <u>August 8,</u> 1990-
U192	All	Aug- <u>August 8,</u> 1990-
U193	All	Aug- <u>August 8,</u> 1990-
U194	All	June 8, 1989-
U196	All	Aug- <u>August 8,</u> 1990-
U197	All	Aug- <u>August 8,</u> 1990-
U200	All	Aug- <u>August 8,</u> 1990-
U201	All	Aug- <u>August 8,</u> 1990-
U202	All	Aug- <u>August 8,</u> 1990-
U203	All	Aug- <u>August 8,</u> 1990-
U204	All	Aug- <u>August 8,</u> 1990-
U205	All	Aug- <u>August 8,</u> 1990-
U206	All	Aug- <u>August 8,</u> 1990-
U207	All	Aug- <u>August 8,</u> 1990-
U208	All	Aug- <u>August 8,</u> 1990-
U209	All	Aug- <u>August 8,</u> 1990-
U210	All	Aug- <u>August 8,</u> 1990-
U211	All	Aug- <u>August 8,</u> 1990-
U213	All	Aug- <u>August 8,</u> 1990-
U214	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U215	All	Aug- <u>August 8,</u> 1990-
U216	All	Aug- <u>August 8,</u> 1990-
U217	All	Aug- <u>August 8,</u> 1990-
U218	All	Aug- <u>August 8,</u> 1990-
U219	All	Aug- <u>August 8,</u> 1990-
U220	All	Aug- <u>August 8,</u> 1990-
U221	All	June 8, 1989-
U222	All	Aug- <u>August 8,</u> 1990-
U223	All	June 8, 1989-
U225	All	Aug- <u>August 8,</u> 1990-
U226	All	Aug- <u>August 8,</u> 1990-
U227	All	Aug- <u>August 8,</u> 1990-
U228	All	Aug- <u>August 8,</u> 1990-
U234	All	Aug- <u>August 8,</u> 1990-
U235	All	June 8, 1989-
U236	All	Aug- <u>August 8,</u> 1990-
U237	All	Aug- <u>August 8,</u> 1990-
U238	All	Aug- <u>August 8,</u> 1990-
U239	All	Aug- <u>August 8,</u> 1990-
U240	All	Aug- <u>August 8,</u> 1990-
U243	All	Aug- <u>August 8,</u> 1990-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U244	All	Aug- <u>August 8,</u> 1990-
U246	All	Aug- <u>August 8,</u> 1990-
U247	All	Aug- <u>August 8,</u> 1990-
U248	All	Aug- <u>August 8,</u> 1990-
U249	All	Aug- <u>August 8,</u> 1990-
U271	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U271	All others	July 8, 1996-
U277	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U277	All others	July 8, 1996-
U278	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U278	All others	July 8, 1996-
U279	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U279	All others	July 8, 1996-
U280	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U280	All others	July 8, 1996-
U328	Mixed with radioactive wastes	June 30, 1994-
U328	All others	Nov- <u>November 9,</u> 1992-
U353	Mixed with radioactive wastes	June 30, 1994-
U353	All others	Nov- <u>November 9,</u> 1992-
U359	Mixed with radioactive wastes	June 30, 1994-
U359	All others	Nov- <u>November 9,</u> 1992-
U364	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U364	All others	July 8, 1996-
U365	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U365	All others	July 8, 1996-
U366	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U366	All others	July 8, 1996-
U367	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U367	All others	July 8, 1996-
U372	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>
U372	All others	July 8, 1996-
U373	Mixed with radioactive wastes	Apr- <u>April 8, 1998-</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U373	All others	July 8, 1996-
U375	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U375	All others	July 8, 1996-
U376	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U376	All others	July 8, 1996-
U377	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U377	All others	July 8, 1996-
U378	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U378	All others	July 8, 1996-
U379	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U379	All others	July 8, 1996-
U381	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U381	All others	July 8, 1996-
U382	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U382	All others	July 8, 1996-
U383	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U383	All others	July 8, 1996-
U384	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U384	All others	July 8, 1996-
U385	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U385	All others	July 8, 1996-
U386	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U386	All others	July 8, 1996-
U387	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U387	All others	July 8, 1996-
U389	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U389	All others	July 8, 1996-
U390	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U390	All others	July 8, 1996-
U391	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U391	All others	July 8, 1996-
U392	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U392	All others	July 8, 1996-
U393	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U393	All others	July 8, 1996-
U394	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U394	All others	July 8, 1996-
U395	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>
U395	All others	July 8, 1996-
U396	Mixed with radioactive wastes	Apr. <u>April 8, 1998-</u>

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U396	All others	July 8, 1996-
U400	Mixed with radioactive wastes	Apr. April 8, 1998-
U400	All others	July 8, 1996-
U401	Mixed with radioactive wastes	Apr. April 8, 1998-
U401	All others	July 8, 1996-
U402	Mixed with radioactive wastes	Apr. April 8, 1998-
U402	All others	July 8, 1996-
U403	Mixed with radioactive wastes	Apr. April 8, 1998-
U403	All others	July 8, 1996-
U404	Mixed with radioactive wastes	Apr. April 8, 1998-
U404	All others	July 8, 1996-
U407	Mixed with radioactive wastes	Apr. April 8, 1998-
U407	All others	July 8, 1996-
U409	Mixed with radioactive wastes	Apr. April 8, 1998-
U409	All others	July 8, 1996-
U410	Mixed with radioactive wastes	Apr. April 8, 1998-
U410	All others	July 8, 1996-
U411	Mixed with radioactive wastes	Apr. April 8, 1998-
U411	All others	July 8, 1996-

^a This table does not include mixed radioactive wastes (from the First, Second, and Third Third rules) ~~which~~ that are receiving a national capacity variance until May 8, 1992. This table also does not include contaminated soil and debris wastes.

^b The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990) and by the Board in docket R90-11 by orders dated April 11, May 23, and August 8 and 22, 1991).

^c USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993), which the Board adopted in docket R93-16 on March 17, 1994); the original effective date was August 8, 1990.

^d The standard was revised in the Phase II Final Rule (~~which~~ that USEPA adopted at 59 Fed. Reg. 47982 (~~Sept.~~ September 19, 1994) and the Board adopted in docket R95-6 by orders dated June 1 and 15, 1995); the original effective date was August 8, 1990.

^e The standards for selected reactive wastes was revised in the Phase III Final Rule (~~which~~ that USEPA adopted at 61 Fed. Reg. 15566 (~~Apr.~~ April 8, 1996) and the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) by an order dated November 6, 1997); the original effective date was August 8, 1990.

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TABLE 2
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date
1. Solvent- (F001-F005) and dioxin- (F020-F023 and F026-F028) containing soil and debris from CERCLA response or RCRA corrective actions.	Nov. <u>November</u> 8, 1990-
2. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than one percent total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).	Nov. <u>November</u> 8, 1988-
3. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.	Aug. <u>August</u> 8, 1990-
4. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.	June 8, 1991-
5. All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes which that had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.	May 8, 1992-
6. Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes.	Dec. <u>December</u> 19, 1994-
7. Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359.	Dec. <u>December</u> 19, 1994
8. Soil and debris contaminated with K156- K161, P127, P128, P188-P192, P194, P196- P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	July 8, 1996-
9. Soil and debris contaminated with K088 wastes.	Oct. <u>October</u> 8, 1997-
10. Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	April 8, 1998-
11. Soil and debris contaminated with F032, F034, and F035.	May 12, 1997-
12. Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes.	Aug. <u>August</u> 24, 1998-
13. Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral processing wastes.	May 26, 2000-

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BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Appendix H National Capacity LDR Variances for UIC Wastes

See Note^a

Waste code	Waste category	Effective date
D001 (except High TOC Ignitable Liquids Subcategory) ^c	All	Feb.-February 10, 1994.
D001 (High TOC Ignitable Characteristic Liquids Subcategory)	Nonwastewater	Sep.-September 19, 1995.
D002 ^b	All	May 8, 1992.
D002 ^c	All	Feb.-February 10, 1994.
D003 (cyanides)	All	May 8, 1992.
D003 (sulfides)	All	May 8, 1992.
D003 (explosives, reactives)-	All	May 8, 1992.
D007	All	May 8, 1992.
D009	Nonwastewater	May 8, 1992.
D012	All	Sep.-September 19, 1995.
D013	All	Sep.-September 19, 1995.
D014	All	Sep.-September 19, 1995.
D015	All	Sep.-September 19, 1995.
D016	All	Sep.-September 19, 1995.
D017	All	Sep.-September 19, 1995.
D018	All, including mixed with radioactive wastes	Apr.-April 8, 1998.

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D019	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D020	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D021	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D022	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D023	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D024	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D025	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D026	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D027	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D028	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D029	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D030	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D031	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D032	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D033	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D034	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D035	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D036	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D037	All, including mixed with radioactive wastes	Apr. April 8, 1998.
D038	All, including mixed with radioactive wastes	Apr. April 8, 1998.

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D039	All, including mixed with radioactive wastes	Apr. <u>April 8,</u> 1998.
D040	All, including mixed with radioactive wastes	Apr. <u>April 8,</u> 1998.
D041	All, including mixed with radioactive wastes	Apr. <u>April 8,</u> 1998.
D042	All, including mixed with radioactive wastes	Apr. <u>April 8,</u> 1998.
D043	All, including mixed with radioactive wastes	Apr. <u>April 8,</u> 1998.
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	Aug. <u>August 8,</u> 1990.
F007	All	June 8, 1991.
F032	All, including mixed with radioactive wastes	May 12, 1999.
F034	All, including mixed with radioactive wastes	May 12, 1999.
F035	All, including mixed with radioactive wastes	May 12, 1999.
F037	All	Nov. <u>November</u> 8, 1992.
F038	All	Nov. <u>November</u> 8, 1992.
F039	Wastewater	May 8, 1992.
K009	Wastewater	June 8, 1991.
K011	Nonwastewater	June 8, 1991.
K011	Wastewater	May 8, 1992.
K013	Nonwastewater	June 8, 1991.
K013	Wastewater	May 8, 1992.
K014	All	May 8, 1992.
K016 (dilute)	All	June 8, 1991.
K049	All	Aug. <u>August 8,</u> 1990.
K050	All	Aug. <u>August 8,</u> 1990.
K051	All	Aug. <u>August 8,</u> 1990.
K052	All	Aug. <u>August 8,</u> 1990.
K062	All	Aug. <u>August 8,</u> 1990.
K071	All	Aug. <u>August 8,</u> 1990.

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K088	All	Jan. <u>January 8,</u> 1997.
K104	All	Aug. <u>August 8,</u> 1990.
K107	All	Nov. <u>November</u> 8, 1992.
K108	All	Nov. <u>November</u> 9, 1992.
K109	All	Nov. <u>November</u> 9, 1992.
K110	All	Nov. <u>November</u> 9, 1992.
K111	All	Nov. <u>November</u> 9, 1992.
K112	All	Nov. <u>November</u> 9, 1992.
K117	All	June 30, 1995.
K118	All	June 30, 1995.
K123	All	Nov. <u>November</u> 9, 1992.
K124	All	Nov. <u>November</u> 9, 1992.
K125	All	Nov. <u>November</u> 9, 1992.
K126	All	Nov. <u>November</u> 9, 1992.
K131	All	June 30, 1995.
K132	All	June 30, 1995.
K136	All	Nov. <u>November</u> 9, 1992.
K141	All	Dec. <u>December</u> 19, 1994.
K142	All	Dec. <u>December</u> 19, 1994.
K143	All	Dec. <u>December</u> 19, 1994.
K144	All	Dec. <u>December</u> 19, 1994.
K145	All	Dec. <u>December</u> 19, 1994.

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K147	All	Dec. <u>December</u> 19, 1994.
K148	All	Dec. <u>December</u> 19, 1994.
K149	All	Dec. <u>December</u> 19, 1994.
K150	All	Dec. <u>December</u> 19, 1994.
K151	All	Dec. <u>December</u> 19, 1994.
K156	All	July 8, 1996.
K157	All	July 8, 1996.
K158	All	July 8, 1996.
K159	All	July 8, 1996.
K160	All	July 8, 1996.
K161	All	July 8, 1996.
NA	Newly identified mineral processing wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes.	May 26, 2000.
P127	All	July 8, 1996.
P128	All	July 8, 1996.
P185	All	July 8, 1996.
P188	All	July 8, 1996.
P189	All	July 8, 1996.
P190	All	July 8, 1996.
P191	All	July 8, 1996.
P192	All	July 8, 1996.
P194	All	July 8, 1996.
P196	All	July 8, 1996.
P197	All	July 8, 1996.
P198	All	July 8, 1996.
P199	All	July 8, 1996.
P201	All	July 8, 1996.
P202	All	July 8, 1996.
P203	All	July 8, 1996.
P204	All	July 8, 1996.
P205	All	July 8, 1996.
U271	All	July 8, 1996.
U277	All	July 8, 1996.

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U278	All	July 8, 1996-
U279	All	July 8, 1996-
U280	All	July 8, 1996-
U328	All	Nov. <u>November</u> 9, 1992-
U353	All	Nov. <u>November</u> 9, 1992-
U359	All	Nov. <u>November</u> 9, 1992-
U364	All	July 8, 1996-
U365	All	July 8, 1996-
U366	All	July 8, 1996-
U367	All	July 8, 1996-
U372	All	July 8, 1996-
U373	All	July 8, 1996-
U375	All	July 8, 1996-
U376	All	July 8, 1996-
U377	All	July 8, 1996-
U378	All	July 8, 1996-
U379	All	July 8, 1996-
U381	All	July 8, 1996-
U382	All	July 8, 1996-
U383	All	July 8, 1996-
U384	All	July 8, 1996-
U385	All	July 8, 1996-
U386	All	July 8, 1996-
U387	All	July 8, 1996-
U389	All	July 8, 1996-
U390	All	July 8, 1996-
U391	All	July 8, 1996-
U392	All	July 8, 1996-
U395	All	July 8, 1996-
U396	All	July 8, 1996-
U400	All	July 8, 1996-
U401	All	July 8, 1996-
U402	All	July 8, 1996-
U403	All	July 8, 1996-
U404	All	July 8, 1996-
U407	All	July 8, 1996-
U409	All	July 8, 1996-

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U410	All	July 8, 1996-
U411	All	July 8, 1996-
^a	Wastes that are deep well disposed on-site receive a six-month variance, with restrictions, effective in November 1990.	
^b	Deep well injected D002 liquids with a pH less than 2 <u>two</u> must meet the California List treatment standards on August 8, 1990.	
^c	Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.	

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Appendix I EP Toxicity Test Method and Structural Integrity Test

Note: The EP (Method 1310) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA-USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003July 17, 2003)

Section 728.Appendix K ~~Metal-Bearing~~Metal-Bearing Wastes Prohibited ~~From~~from Dilution in a Combustion Unit According to Section 728.103(c)

BOARD NOTE: A combustion unit is defined as any thermal technology subject to Subpart O of 35 Ill. Adm. Code 724.~~Subpart O~~, Subpart O of 35 Ill. Adm. Code 725.~~Subpart O~~, or Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~.

Waste code	Waste description
D004	Toxicity Characteristic for Arsenic.
D005	Toxicity Characteristic for Barium.
D006	Toxicity Characteristic for Cadmium.
D007	Toxicity Characteristic for Chromium.
D008	Toxicity Characteristic for Lead.

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- D009 Toxicity Characteristic for Mercury.
- D010 Toxicity Characteristic for Selenium.
- D011 Toxicity Characteristic for Silver.
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating basis on carbon steel; (4) aluminum or zinc-plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
- F007 Spent cyanide plating bath solutions from electroplating operations.
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
- F010 Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.
- F011 Spent cyanide solutions from salt bath pot cleaning from metal ~~heat treating~~ heat-treating operations.
- F012 Quenching waste water treatment sludges from metal ~~heat treating~~ heat-treating operations where cyanides are used in the process.
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process.
- K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.
- K003 Wastewater treatment sludge from the production of molybdate orange pigments.
- K004 Wastewater treatment sludge from the production of zinc yellow pigments.
- K005 Wastewater treatment sludge from the production of chrome green pigments.

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- K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
- K007 Wastewater treatment sludge from the production of iron blue pigments.
- K008 Oven residue from the production of chrome oxide green pigments.
- K061 Emission control dust/sludge from the primary production of steel in electric furnaces.
- K069 Emission control dust/sludge from secondary lead smelting.
- K071 Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
- K106 Sludges from the mercury cell processes for making chlorine.
- P010 Arsenic acid H_3AsO_4 .
- P011 Arsenic oxide As_2O_5 .
- P012 Arsenic trioxide.
- P013 Barium cyanide.
- P015 Beryllium.
- P029 Copper (I) cyanide $\text{Cu}(\text{CN})$.
- P074 Nickel (II) cyanide $\text{Ni}(\text{CN})_2$.
- P087 Osmium (VIII) tetroxide OsO_4 .
- P099 Potassium silver cyanide $\text{KAg}(\text{CN})_2$.
- P104 Silver cyanide AgCN .
- P113 Thallic (III) oxide Tl_2O_3 .

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P114	Thallium (I) selenite Tl_2SeO_3 .
P115	Thallium (I) sulfate Tl_2SO_4 .
P119	Ammonium (V) vanadate NH_3VO_3 .
P120	Vanadium (V) oxide V_2O_5 .
P121	Zinc cyanide $ZnCN$.
U032	Calcium chromate $CaCrO_4$.
U145	Lead phosphate.
U151	Mercury.
U204	Selenous acid H_2SeO_3 .
U205	Selenium (IV) disulfide SeS_2 .
U216	Thallium (I) chloride $TlCl$.
U217	Thallium (I) nitrate $TlNO_3$.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Table A Constituent Concentrations in Waste Extract (CCWE)

For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and ~~728. Table T~~ to this Part, "Treatment Standards for Hazardous Wastes."

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Table B Constituent Concentrations in Wastes (CCW)

For the requirements previously found in this Section and for treatment standards in Section 728.143, "Constituent Concentrations in Wastes (CCW)"; refer to Section 728.140 and ~~728. Table T~~ to this Part, "Treatment Standards for Hazardous Wastes."

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Table C Technology Codes and Description of Technology-Based Standards

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Technology code Code	Description of technology-based standard <u>Technology-Based Standard</u>
ADGAS	Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.
AMLGM	Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.
BIODG	Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).
CARBN	Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.
CHOXD	Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents: <ol style="list-style-type: none">1) hypochlorite (e.g., bleach);2) chlorine;3) chlorine dioxide;4) ozone or UV (ultraviolet light) assisted ozone;5) peroxides;

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- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; or
- 9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBST High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of Subpart O of 35 Ill. Adm. Code 724.~~Subpart O,~~ Subpart O of 35 Ill. Adm. Code 725.~~Subpart O,~~ or Subpart H of 35 Ill. Adm. Code 726.~~Subpart H,~~ and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.

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DEACT	Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.
FSUBS	Fuel substitution in units operated in accordance with applicable technical operating requirements.
HLVIT	Vitrification of high level <u>high-level</u> mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.
IMERC	Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of <u>Subpart O of 35 Ill. Adm. Code 724.</u> Subpart O, or <u>Subpart O of 35 Ill. Adm. Code 725.</u> Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury sub-categories).
INCIN	Incineration in units operated in accordance with the technical operating requirements of <u>Subpart O of 35 Ill. Adm. Code 724.</u> Subpart O, or <u>Subpart O of 35 Ill. Adm. Code 725.</u> Subpart O.
LLEXT	Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.
MACRO	Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.
NEUTR	Neutralization with the following reagents (or waste reagents) or combinations of reagents: <ol style="list-style-type: none">1) acids;2) bases; or

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- 3) water (including wastewaters) resulting in a pH greater than ~~2~~two but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);
- 2) caustic (i.e., sodium or potassium hydroxides);
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

- 1) distillation (i.e., thermal concentration);
- 2) ion exchange;

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- 3) resin or solid adsorption;
- 4) reverse osmosis; or
- 5) incineration for the recovery of acid

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A national emissions standard for hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or
- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;

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- 5) freeze crystallization;
- 6) ultrafiltration; or
- 7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace.":

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery

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of zinc.

- STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:
- 1) Portland cement; or
 - 2) lime or pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.
- SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.
- WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).
- WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.
- Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in ~~Section 728~~ Table T to this Part by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.
- Note 2: When more than one technology (or treatment train) are specified as alternative

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treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word “OR.” This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

BOARD NOTE: Derived from 40 CFR 268.42, Table 1-(1997) (2002).

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003.)

Section 728.Table D Technology-Based Standards by RCRA Waste Code

BOARD NOTE: For the requirements previously found in this Section, refer to ~~Sections~~ Section 728.140 and 728-Table T to this Part.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Table E Standards for Radioactive Mixed Waste

BOARD NOTE: For the requirements previously found in this Section, refer to ~~Sections~~ Section 728.140 and 728-Table T to this Part.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Table F Alternative Treatment Standards For Hazardous Debris

a) Hazardous debris must be treated by either the standards indicated in this Table F or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table F, the following terms are defined as follows:

“Clean debris surface” means the surface, when viewed without magnification, ~~shall~~ must be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits ~~shall~~ must be limited to no more than ~~5%~~ five percent of each square inch of

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surface area.

“Contaminant restriction” means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

“Dioxin-listed wastes” means wastes having any of ~~U.S. EPA-USEPA~~ Hazardous-hazardous waste numbers FO20, FO21, FO22, FO23, FO26, or FO27.

- c) Notes. In ~~the this~~ Table F, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

¹ Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

² If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

³ Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

⁴ The demonstration of “equivalent technology” under Section 728.142(b)

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must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

⁵ Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must ~~B~~ be separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a “clean debris surface” as defined in subsection (b) ~~above~~ of this Section when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

Technology description	Performance or design and operating standard	Contaminant restrictions
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A. Extraction Technologies:

1. Physical Extraction

a. Abrasive Blasting: Removal of contaminated debris surface layers using water and /or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).	Glass, Metal, Plastic, Rubber: Treatment to a clean debris surface. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface.	All Debris: None.
b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface	Same as above	Same as above

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layers are removed.

c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool which <u>that</u> exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards.	Same as above	Same as above
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d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated debris surface layers are removed. ¹	Same as above	Same as above
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e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers	Same as above	Same as above.
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2. Chemical Extraction

a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation,	All Debris: Treatment to a clean debris surface; Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm ($\frac{1}{2}$	Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least 5% <u>five percent</u> by weight in water solution or 5%
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<p>surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.</p>	<p>inch) in one dimension (i.e., thickness limit,² except that this thickness limit may be waived under an “Equivalent Technology” approval under 35 Ill. Adm. Code Section 728.142(b);⁴ debris surfaces must be in contact with water solution for at least 15 minutes</p>	<p><u>five percent</u> by weight in emulsion; if debris is contaminated with a dioxin-listed waste,³ an “Equivalent Technology” approval under 35 Ill. Adm. Code Section 728.142(b) must be obtained.⁴</p>
<p>b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution which <u>that causes the hazardous</u> contaminants to enter the liquid phase and be flushed away from the debris along with the liquid or liquid solution while using appropriate agitation, temperature, and residence time.¹</p>	<p>Same as above</p>	<p>Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least 5% <u>five percent</u> by weight in the solvent.</p>
<p>c. Vapor Phase Solvent Extraction: Application of an organic vapor using sufficient agitation, residence time, and temperature to cause hazardous contaminants on contaminated debris surfaces and surface pores to enter the vapor phase and be flushed away with the organic vapor.¹</p>	<p>Same as above, except that brick, cloth, concrete, paper, pavement, rock and wood surfaces must be in contact with the organic vapor for at least 60 minutes.</p>	<p>Same as above.</p>
<p>3. Thermal Extraction</p>		
<p>a. High Temperature Metals Recovery: Application of</p>	<p>For refining furnaces, treated debris must be separated from</p>	<p>Debris contaminated with a dioxin-listed waste.² Obtain an</p>

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sufficient heat, residence time, mixing, fluxing agents, and/or carbon in a smelting, melting, or refining furnace to separate metals from debris.	treatment residuals using simple physical or mechanical means, ⁵ and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.	“Equivalent Technology” approval under 35 Ill. Adm. Code Section 728.142(b). ⁴
b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and surface pores and to remove the contaminants from the heating chamber in a gaseous exhaust gas. ³	All Debris: Obtain an “Equivalent Technology” approval under 35 Ill. Adm. Code Section 728.142(b); ⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means, ⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit), ² except that this thickness limit may be waived under the “Equivalent Technology” approval	All Debris: Metals other than mercury.
B. Destruction Technologies:		
1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic	All Debris: Obtain an “Equivalent Technology” approval under 35 Ill. Adm. Code Section 728.142(b); ⁴ treated debris must be separated from treatment residuals using simple physical or mechanical	All Debris: Metal contaminants.

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compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the “Equivalent Technology” approval

2. Chemical Destruction

- | | | |
|---|---|--|
| <p>a. Chemical Oxidation: Chemical or electrolytic electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combination of reagents—: (1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; and (9) other oxidizing reagents of equivalent destruction efficiency.¹ Chemical oxidation specifically includes what is referred to as alkaline chlorination.</p> | <p>All Debris: Obtain an “Equivalent Technology” approval under 35 Ill. Adm. Code.142(b);⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the “Equivalent Technology” approval</p> | <p>All Debris: Metal contaminants.</p> |
| <p>b. Chemical Reduction:</p> | <p>Same as above</p> | <p>Same as above.</p> |

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Chemical reaction utilizing the following reducing reagents (or waste reagents) or combination of reagents: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG); (3) sodium hydrosulfide; (4) ferrous salts; and/or (5) other reducing reagents of equivalent efficiency.¹

3. Thermal Destruction: Treatment in an incinerator operating in accordance with Subpart O of 35 Ill. Adm. Code 724~~.Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725~~.Subpart O~~; a boiler or industrial furnace operating in accordance with Subpart H of 35 Ill. Adm. Code 726~~.Subpart H~~, or other thermal treatment unit operated in accordance with Subpart X of 35 Ill. Adm. Code 724~~.Subpart X~~, or Subpart P of 35 Ill. Adm. Code 725~~.Subpart P~~, but excluding for purposes of these debris treatment standards Thermal Desorption units.

Treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.

Brick, Concrete, Glass, Metal, Pavement, Rock, Metal: Metals other than mercury, except that there are no metal restrictions for vitrification. Debris contaminated with a dioxin-listed waste.³ Obtain an "Equivalent Technology" approval under ~~35 Ill. Adm. Code Section 728.142(b)~~,⁴ except that this requirement does not apply to vitrification.

C. Immobilization Technologies:

1. Macroencapsulation: Application of surface coating materials such as polymeric

Encapsulating material must completely encapsulate debris and be resistant to degradation

None.

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- | | | |
|--|--|-------|
| organics (e.g., resins and plastics) or use of a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. | by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, mic robes). | |
| 2. Microencapsulation: Stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; or (2) lime/pozzolans (e.g., fly ash and cement kiln dust). Reagents (e.g., iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength, or to reduce the leachability of the hazardous constituents. ² | Leachability of the hazardous contaminants must be reduced. | None. |
| 3. Sealing: Application of an appropriate material which that adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant | Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistent <u>resistant</u> to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes). | None. |

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

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Section 728. Table G Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in this Section and Section 728.146, refer to ~~Section 728.140 and 728. Table T to this Part~~, "Treatment Standards for Hazardous Wastes."

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Table H Wastes Excluded from CCW Treatment Standards

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B to this Part, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44 (1991) (2002), and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

Facility name and address	Waste Code	See Also	Regulated hazardous constituent	Wastewaters Concentration (mg/L)	Notes	Nonwastewaters Concentration (mg/L)	Notes
Craftsman Plating and Tinning Corp., Chicago, IL	F006	Section 728.140	Cyanides (Total)	1.2	B	1800	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
Northwestern Plating Works, Inc., Chicago, IL	F006	Section 728.140	Nickel	0.44		NA	
			Cyanides (Total)	1.2	B	970	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
			Nickel	0.44		NA	

Notes:

- A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.
- B Cyanide wastewater standards for F006 are based on analysis of composite samples.

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- C These owners and operators ~~shall~~ must comply with 0.86 mg/L for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators ~~shall~~ must also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.
- D Cyanide nonwastewaters are analyzed using SW-846 Method 9010 or 9012, sample size 10 g, distillation time one hour and fifteen minutes. SW-846 is incorporated by reference in 35 Ill. Adm. Code 720.111.
- NA Not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.44(o)-(1997) (2002).

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Table I Generator Paperwork Requirements

Required information	Subsection of Section 728.107 under Which the Paperwork is Required:			
	(a)(2)	(a)(3)	(a)(4)	(a)(9)
1. USEPA hazardous waste numbers and manifest number of first shipment	✓	✓	✓	✓
2. Statement: this waste is not prohibited from land disposal			✓	
3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice	✓	✓		
4. The notice must include the applicable wastewater/ nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)	✓	✓		

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- 5. Waste analysis data (when available) ✓ ✓ ✓
- 6. Date the waste is subject to the prohibition ✓
- 7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145 ✓ ✓
- 8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards ✓ ✓
- 9. A certification is needed (see applicable subsection for exact wording) ✓ ✓

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) ~~(1997) (2002)~~, as amended at 63 Fed. Reg. 28639 (May 26, 1998).

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728. Table T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code

Waste Description and Treatment or Regulatory Subcategory¹

Regulated Hazardous Constituent

Wastewaters

Nonwaste waters

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Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
D001 ⁹			
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.			
NA	NA	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST
D001 ⁹			
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)			
NA	NA	NA	RORGS; CMBST; or POLYM
D002 ⁹			
Corrosive Characteristic Wastes.			
NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
D002, D004, D005, D006, D007, D008, D009, D010, D011			
Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)			
Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

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D003 ⁹				Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).
NA	NA	DEACT	DEACT	
D003 ⁹				Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).
NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸	
D003 ⁹				Unexploded ordnance and other explosive devices that have been the subject of an emergency response.
NA	NA	DEACT	DEACT	
D003 ⁹				Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).
NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸	
D003 ⁹				Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4). (Note: This subcategory consists of nonwastewaters only.)
NA	NA	NA	DEACT and meet Section 728.148 standards ⁸	
D003 ⁹				Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).
Cyanides (Total) ⁷	57-12-5	--	590	
Cyanides (Amenable) ⁷	57-12-5	0.86	30	
D004 ⁹				Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Arsenic	7440-38-2	1.4 and meet Section 728.148 standards ⁸	5.0 mg/l TCLP and meet Section 728.148 standards ⁸	
D005 ⁹				

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Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium	7440-39-3	1.2 and meet Section 728.148 standards ⁸	21 mg/l TCLP and meet Section 728.148 standards ⁸
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D006⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards ⁸	0.11 mg/l TCLP and meet Section 728.148 standards ⁸
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D006⁹

Cadmium-Containing Batteries Subcategory.
(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
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D0069

Radioactively contaminated cadmium-containing batteries.
(Note: This subcategory consists of nonwastewaters only.)

<u>Cadmium</u>	<u>7440-43-9</u>	<u>NA</u>	<u>Macroencapsula- tion in accordance with Section 728.145</u>
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D007⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards ⁸	0.60 mg/l TCLP and meet Section 728.148 standards ⁸
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D008⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead	7439-92-1	0.69 and meet Section 728.148 standards ⁸	0.75 mg/l TCLP and meet Section 728.148 standards ⁸
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D008⁹

POLLUTION CONTROL BOARD

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Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead D008 ⁹	7439-92-1	NA	RLEAD
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Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead D009 ⁹	7439-92-1	NA	MACRO
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Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury D009 ⁹	7439-97-6	NA	IMERC; or RMERC
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Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury D009 ⁹	7439-97-6	NA	RMERC
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Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

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Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet Section 728.148 standards ⁸
D009 ⁹	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)		
Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards ⁸
D009 ⁹	All D009 wastewaters.		
Mercury	7439-97-6	0.15 and meet Section 728.148 standards ⁸	NA
D009 ⁹	Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)		
Mercury D009 ⁹	7439-97-6	NA	AMLGM
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)		
Mercury D0099	7439-97-6	NA	IMERC
	<u>Radioactively contaminated mercury-containing batteries.</u> (Note: This subcategory consists of nonwastewaters only.)		
<u>Mercury</u>	<u>7439-97-6</u>	<u>NA</u>	<u>Macroencapsula- tion in accordance with Section 728.145</u>
D010 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

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Selenium	7782-49-2	0.82	5.7 mg/l TCLP and meet Section 728.148 standards ⁸
D011 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Silver	7440-22-4	0.43	0.14 mg/l TCLP and meet Section 728.148 standards ⁸
<u>D0119</u>	<u>Radioactively contaminated silver-containing batteries.</u>		
	<u>(Note: This subcategory consists of nonwastewaters only.)</u>		
<u>Silver</u>	<u>7440-22-4</u>	<u>NA</u>	<u>Macroencapsulation in accordance with Section 728.145</u>
D012 ⁹	Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸
D013 ⁹	Wastes that are TC for Lindane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
α -BHC	319-84-6	CARBON; or CMBST	0.066 and meet Section 728.148 standards ⁸
β -BHC	319-85-7	CARBON; or CMBST	0.066 and meet Section 728.148 standards ⁸
δ -BHC	319-86-8	CARBON; or CMBST	0.066 and meet Section 728.148 standards ⁸

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γ -BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards ⁸
D014 ⁹	Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards ⁸
D015 ⁹	Wastes that are TC for Toxaphene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards ⁸
D016 ⁹	Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
2,4-D (2,4-Dichlorophenoxy-acetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards ⁸
D017 ⁹	Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards ⁸
D018 ⁹	Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Benzene	71-43-2	0.14 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
D019 ⁹	Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching		

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procedure (TCLP) in SW-846 Method 1311.

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
D020 ⁹	Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards ⁸	0.26 and meet Section 728.148 standards ⁸
D021 ⁹	Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
D022 ⁹	Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Chloroform	67-66-3	0.046 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
D023 ⁹	Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
o-Cresol	95-48-7	0.11 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
D024 ⁹	Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
D025 ⁹			

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Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

p-Cresol (difficult to distinguish from m-cresol) D026 ⁹	106-44-5	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations) D027 ⁹	1319-77-3	0.88 and meet Section 728.148 standards ⁸	11.2 and meet Section 728.148 standards ⁸
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Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

p-Dichlorobenzene (1,4-Dichlorobenzene) D028 ⁹	106-46-7	0.090 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

1,2-Dichloroethane D029 ⁹	107-06-2	0.21 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

1,1-Dichloroethylene D030 ⁹	75-35-4	0.025 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards ⁸	140 and meet Section 728.148 standards ⁸
D031 ⁹	Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸
D032 ⁹	Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
D033 ⁹	Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
D034 ⁹	Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards ⁸	30 and meet Section 728.148 standards ⁸
D035 ⁹	Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

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Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards ⁸	36 and meet Section 728.148 standards ⁸
D036 ⁹	Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards ⁸	14 and meet Section 728.148 standards ⁸
D037 ⁹	Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
D038 ⁹	Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Pyridine	110-86-1	0.014 and meet Section 728.148 standards ⁸	16 and meet Section 728.148 standards ⁸
D039 ⁹	Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
D040 ⁹	Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
D041 ⁹	Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching		

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procedure (TCLP) in SW-846 Method 1311.

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D042⁹

Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D043⁹

Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromono fluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6

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m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0
Trichloromono fluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP

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Methanol F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.	67-56-1	5.6	0.75 mg/l TCLP
2-Nitropropane F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
2-Ethoxyethanol F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	110-80-5	BIODG; or CMBST	CMBST
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F007 Spent cyanide plating bath solutions from electroplating operations.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F008			

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Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F009			

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F010			

Quenching bath residues from oil baths from metal ~~heat treating~~ heat-treating operations where cyanides are used in the process.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	NA
F011			

Spent cyanide solutions from salt bath pot cleaning from metal ~~heat treating~~ heat-treating operations.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F012			

Quenching wastewater treatment sludges from metal ~~heat treating~~ heat-treating

POLLUTION CONTROL BOARD

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operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F019			

Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzo furans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001

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PeCDFs (All Pentachloro-dibenzo furans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzo furans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST ¹¹	CMBST ¹¹
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0

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1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzo furans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzo furans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzo furans)	55722-27-5	0.000063	0.001

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2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol F028	58-90-2	0.030	7.4

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzo furans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro- dibenzo furans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro- dibenzo furans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol F032	58-90-2	0.030	7.4

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4

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Benzo(b)fluoranthene (difficult to distinguish from benzo(k) fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b) fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Hexachlorodibenzofurans	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Pentachlorodibenzofurans	NA	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Tetrachlorodibenzofurans	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

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Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been

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treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
F038			

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4

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bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel F039	7440-02-0	NA	11 mg/l TCLP

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.)₂

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylamino fluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066

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γ -BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromo dichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro- m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6

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m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3

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4,6-Dinitro- <i>o</i> -cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di- <i>n</i> -octyl phthalate	117-84-0	0.017	28
Di- <i>n</i> -propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachloro-dibenzo- <i>p</i> -dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachloro-dibenzo furan (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachloro-dibenzo furan (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025

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Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzo furans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3

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N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.0025
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzo furans)	30402-15-4	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzo furans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromo form (Tribromo methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19

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1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromono fluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoro-ethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes- mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

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Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead K002	7439-92-1	0.69	0.75 mg/l TCLP
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K003	7439-92-1	0.69	0.75 mg/l TCLP
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K004	7439-92-1	0.69	0.75 mg/l TCLP
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K005	7439-92-1	0.69	0.75 mg/l TCLP
Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total) ⁷ K006	57-12-5	1.2	590
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K006	7439-92-1	0.69	0.75 mg/l TCLP
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K007	7439-92-1	0.69	NA
Wastewater treatment sludge from the production of iron blue pigments.			

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Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total) ⁷ K008	57-12-5	1.2	590

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009			

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform K010	67-66-3	0.046	6.0
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Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform K011	67-66-3	0.046	6.0
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Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total) K013	57-12-5	1.2	590

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total) K014	57-12-5	1.2	590

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total) K015	57-12-5	1.2	590

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Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0

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1,1,1-Trichloroethane K019	71-55-6	0.054	6.0
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane K020	71-55-6	0.054	6.0
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.			
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
K021			
Aqueous spent antimony catalyst waste from fluoromethanes production.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
K022			
Distillation bottom tars from the production of phenol or acetone from cumene.			
Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitros- amine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenyl- amine)	86-30-6	0.92	13

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NOTICE OF ADOPTED AMENDMENTS

Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
K023			
Distillation light ends from the production of phthalic anhydride from naphthalene.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K024			
Distillation bottoms from the production of phthalic anhydride from naphthalene.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K025			
Distillation bottoms from the production of nitrobenzene by the nitration of benzene.			
NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
K026			
Stripping still tails from the production of methyl ethyl pyridines.			
NA	NA	CMBST	CMBST
K027			
Centrifuge and distillation residues from toluene diisocyanate production.			
NA	NA	CARBN; or CMBST	CMBST
K028			
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.			
1,1-Dichloroethane	75-34-3	0.059	6.0

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trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
K029			

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0
K030			

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K031			

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

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Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton K037	298-04-4	0.017	6.2
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Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene K038	108-88-3	0.080	10

Wastewater from the washing and stripping of phorate production.

Phorate K039	298-02-2	0.021	4.6
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Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA K040	NA	CARBN; or CMBST	CMBST
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Wastewater treatment sludge from the production of phorate.

Phorate K041	298-02-2	0.021	4.6
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Wastewater treatment sludge from the production of toxaphene.

Toxaphene K042	8001-35-2	0.0095	2.6
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Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene K043	120-82-1	0.055	19

2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4

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2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexa chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexa chloro-dibenzo furans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzo furans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzo furans)	55722-27-5	0.000063	0.001
K044			
Wastewater treatment sludges from the manufacturing and processing of explosives.			
NA	NA	DEACT	DEACT
K045			
Spent carbon from the treatment of wastewater containing explosives.			
NA	NA	DEACT	DEACT
K046			
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.			
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K047			
Pink or red water from TNT operations.			
NA	NA	DEACT	DEACT
K048			
Dissolved air flotation (DAF) float from the petroleum refining industry.			
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4

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Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel K049	7440-02-0	NA	11 mg/l TCLP

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel K050	7440-02-0	NA	11 mg/l TCLP

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

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Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K051			

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K052			

Tank bottoms (leaded) from the petroleum refining industry.

Benze ne	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes- mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel K060	7440-02-0	NA	11 mg/l TCLP

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590
K061			

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	NA	5.7 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
Thallium	7440-28-0	NA	0.20 mg/l TCLP
Zinc	7440-66-6	NA	4.3 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting- - Calcium sulfate (Low Lead) Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

K069

Emission control dust or sludge from secondary lead smelting- - Non-Calcium sulfate (High Lead) Subcategory.

NA	NA	NA	RLEAD
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
K083 Distillation bottoms from aniline production.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenyl- amine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/l TCLP
K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K085 Distillation or fractionation column bottoms from the production of chlorobenzenes.			
Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K086 Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers,			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p-xylene concentrations)			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K087			

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno (1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead K088	7439-92-1	0.69	0.75 mg/l TCLP
Spent potliners from primary aluminum reduction.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	26.1 mg/l
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Cyanide (Total) ⁷	57-12-5	1.2	590
Cyanide (Amenable) ⁷	57-12-5	0.86	30
Fluoride K093	16984-48-8	35	NA

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

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NOTICE OF ADOPTED AMENDMENTS

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
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K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
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K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
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Pentachloroethane	76-01-7	0.055	6.0
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1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
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1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
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Tetrachloroethylene	127-18-4	0.056	6.0
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1,1,2-Trichloroethane	79-00-5	0.054	6.0
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Trichloroethylene	79-01-6	0.054	6.0
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K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
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Pentachloroethane	76-01-7	0.055	6.0
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1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
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1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
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Tetrachloroethylene	127-18-4	0.056	6.0
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1,2,4-Trichlorobenzene	120-82-1	0.055	19
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1,1,2-Trichloroethane	79-00-5	0.054	6.0
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Trichloroethylene	79-01-6	0.054	6.0
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K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene K098	77-47-4	0.057	2.4
Untreated process wastewater from the production of toxaphene.			
Toxaphene K099	8001-35-2	0.0095	2.6
Untreated wastewater from the production of 2,4-D.			
2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzo furans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro- dibenzo furans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro- dibenzo furans)	55722-27-5	0.000063	0.001
K100	Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.		
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead K101	7439-92-1	0.69	0.75 mg/l TCLP
Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.			
o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury K102	7439-97-6	0.15	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury K106	7439-97-6	NA	RMERC
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.			
Mercury K106	7439-97-6	NA	0.20 mg/l TCLP
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury K106	7439-97-6	NA	0.025 mg/l TCLP
All K106 wastewaters.			
Mercury K107	7439-97-6	0.15	NA
Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		

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NOTICE OF ADOPTED AMENDMENTS

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.		
2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.		
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		
NA	NA	CARBN; or CMBST	CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		
NA	NA	CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel	7440-02-0	3.98	11 mg/l TCLP
NA	NA	CARBN; or CMBST	CMBST

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST
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K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K124

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K125

Filtration, evaporation, and centrifugation solids from the production of ethylene bis-dithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylene bisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
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K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
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K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0

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Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K141			

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

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NOTICE OF ADOPTED AMENDMENTS

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
K144			

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
K145			

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6
K147			

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.¹⁰

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.¹⁰

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15 ¹¹
Arsenic	7440-38-2	1.4	5.0 ¹¹
Carbon disulfide	75-15-0	3.8	4.8 ¹¹
Dithiocarbamates (total)	137-30-4	0.028	28
Lead	7439-92-1	0.69	0.75 ¹¹
Nickel	7440-02-0	3.98	11 ¹¹
Selenium	7782-49-2	0.82	5.7 ¹¹

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/l TCLP
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastewater treatment sludge from the production of ethylene dichloride or vinyl chloride monomer.

1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,6,7,8-Heptachloro-dibenzo furan (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,7,8,9-Heptachloro-dibenzo furan (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
All pentachlorodibenzo-p-dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Arsenic K175	7440-36-0	1.4	5.0 mg/L TCLP

Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury ¹² PH ¹² K175	7439-97-6	NA NA	0.025 mg/L TCLP pH≤6.0
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All K175 wastewaters.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury K176	7439-97-6	0.15	NA
Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).			
Antimony	7440-36-0	1.9	1.15 mg/L TCLP
Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
Lead	7439-92-1	0.69	0.75 mg/L TCLP
Mercury K177	7439-97-6	0.15	0.025 mg/L TCLP
Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).			
Antimony	7440-36-0	1.9	1.15 mg/L TCLP
Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
Lead K178	7439-92-1	0.69	0.75 mg/L TCLP
Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.			
1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,6,7,8-Heptachloro-dibenzo furan (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,7,8,9-Heptachloro-dibenzo furan (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
HxCDFs (All Hexachloro-dibenzo furans)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
PeCDFs (All Pentachloro-dibenzo furans)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
TCDFs (All Tetrachloro-dibenzo furans)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Thallium P001	7440-28-0	1.4	0.20 mg/L TCLP
Warfarin, & salts, when present at concentrations greater than 0.3 percent.			
Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002			
1-Acetyl-2-thiourea.			
1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003			
Acrolein.			
Acrolein	107-02-8	0.29	CMBST
P004			
Aldrin.			
Aldrin	309-00-2	0.021	0.066
P005			
Allyl alcohol.			
Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006			
Aluminum phosphide.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Aluminum phosphide P007 5-Aminomethyl-3-isoxazolol ₂	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
5-Aminomethyl-3-isoxazolol P008 4-Aminopyridine ₂	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
4-Aminopyridine P009 Ammonium picrate ₂ Ammonium picrate	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ammonium picrate ₂ P010 Arsenic acid ₂ Arsenic P011 Arsenic pentoxide ₂ Arsenic P012 Arsenic trioxide ₂ Arsenic P013 Barium cyanide ₂ Barium Cyanides (Total) ⁷ Cyanides (Amenable) ⁷ P014 Thiophenol (Benzene thiol) ₂	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
	7440-38-2	1.4	5.0 mg/l TCLP
	7440-38-2	1.4	5.0 mg/l TCLP
	7440-38-2	1.4	5.0 mg/l TCLP
	7440-39-3	NA	21 mg/l TCLP
	57-12-5	1.2	590
	57-12-5	0.86	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015 Beryllium dust, Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016 Dichloromethyl ether (Bis(chloromethyl)ether),			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017 Bromo acetone, Bromo acetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018 Brucine, Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb),			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021 Calcium cyanide, Cyanides (Total) ⁷ Cyanides (Amenable) ⁷	57-12-5 57-12-5	1.2 0.86	590 30
P022 Carbon disulfide, Carbon disulfide	75-15-0	3.8	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbon disulfide; alternate ⁶ standard for nonwastewaters only P023	75-15-0	NA	4.8 mg/l TCLP
Chloroacetaldehyde, Chloroacetaldehyde P024	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
p-Chloroaniline, p-Chloroaniline P026	106-47-8	0.46	16
1-(o-Chlorophenyl) thio urea, 1-(o-Chlorophenyl) thio urea P027	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
3-Chloropropionitrile, 3-Chloropropio nitrile P028	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Benzyl chloride, Benzyl chloride P029	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Copper cyanide, Cyanides (Total) ⁷ Cyanides (Amenable) ⁷ P030	57-12-5 57-12-5	1.2 0.86	590 30
Cyanides (soluble salts and complexes),			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
P031 Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033 Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034 2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036 Dichlorophenylarsine	7440-38-2	1.4	5.0 mg/l TCLP
P037 Dieldrin	60-57-1	0.017	0.13
P038 Diethylarsine	7440-38-2	1.4	5.0 mg/l TCLP
P039 Disulfoton	298-04-4	0.017	6.2
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041 Diethyl-p-nitrophenyl phosphate			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042 Epinephrine_			
Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043 Diisopropylfluorophosphate (DFP)_			
Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044 Dimethoate_			
Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045 Thiofanox_			
Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046 α,α -Dimethylphenethylamine_			
α,α -Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047 4,6-Dinitro-o-cresol_			
4,6-Dinitro-o-cresol	543-52-1	0.28	160
P047 4,6-Dinitro-o-cresol salts_			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol ₂			
2,4-Dinitrophenol P049	51-28-5	0.12	160
Dithiobiuret ₂ Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050 Endosulfan ₂ Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate P051	1031-07-8	0.029	0.13
Endrin ₂ Endrin	72-20-8	0.0028	0.13
Endrin aldehyde P054	7421-93-4	0.025	0.13
Aziridine ₂ Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P056 Fluorine ₂ Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057 Fluoroacetamide ₂ Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Fluoroacetic acid, sodium salt.

Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P059

Heptachlor.

Heptachlor	76-44-8	0.0012	0.066
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Heptachlor epoxide	1024-57-3	0.016	0.066
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P060

Isodrin.

Isodrin	465-73-6	0.021	0.066
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P062

Hexaethyl tetraphosphate.

Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
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P063

Hydrogen cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
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Cyanides (Amenable) ⁷	57-12-5	0.86	30
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P064

Isocyanic acid, ethyl ester.

Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC
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P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC
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P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain

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less than 260 mg/kg total mercury.

Mercury P065	7439-97-6	NA	0.20 mg/l TCLP
P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
Mercury P065	7439-97-6	NA	0.025 mg/l TCLP
All P065 (mercury fulminate) wastewaters.			
Mercury P066	7439-97-6	0.15	NA
Methomyl, Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067			
2-Methyl-aziridine,			
2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P068			
Methyl hydrazine, Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST
P069			
2-Methylactonitrile,			
2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070			
Aldicarb,			

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Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071 Methyl parathion ₂			
Methyl parathion P072	298-00-0	0.014	4.6
1-Naphthyl-2-thio urea ₂			
1-Naphthyl-2-thio urea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073 Nickel carbonyl ₂			
Nickel P074	7440-02-0	3.98	11 mg/l TCLP
Nickel cyanide ₂			
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Nickel P075	7440-02-0	3.98	11 mg/l TCLP
Nicotine and salts ₂			
Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076 Nitric oxide ₂			
Nitric oxide P077	10102-43-9	ADGAS	ADGAS
p-Nitroaniline ₂			
p-Nitroaniline P078	100-01-6	0.028	28
Nitrogen dioxide ₂			
Nitrogen dioxide P081	10102-44-0	ADGAS	ADGAS

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Nitrolycerin_ Nitrolycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P082 N-Nitrosodimethylamine_			
N-Nitrosodimethylamine P084	62-75-9	0.40	2.3
N-Nitrosomethylvinylamine_			
N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085 Octamethylpyrophosphoramide_ Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST	CMBST
P087 Osmium tetroxide_ Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088 Endothall_ Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089 Parathion_ Parathion P092	56-38-2	0.014	4.6
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.			
Mercury	7439-97-6	NA	IMERC; or RMERC
P092	P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are		

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residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury P092	7439-97-6	NA	RMERC
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
Mercury P092	7439-97-6	NA	0.20 mg/l TCLP
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
Mercury P092	7439-97-6	NA	0.025 mg/l TCLP
All P092 (phenyl mercuric acetate) wastewaters.			
Mercury P093	7439-97-6	0.15	NA
Phenylthio urea, Phenylthio urea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P094 Phorate, Phorate P095	298-02-2	0.021	4.6
Phosgene, Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096 Phosphine, Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097 Famphur, Famphur	52-85-7	0.017	15

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P098

Potassium cyanide₂Cyanides (Total)⁷ 57-12-5 1.2 590Cyanides (Amenable)⁷ 57-12-5 0.86 30

P099

Potassium silver cyanide₂Cyanides (Total)⁷ 57-12-5 1.2 590Cyanides (Amenable)⁷ 57-12-5 0.86 30

Silver 7440-22-4 0.43 0.14 mg/l TCLP

P101

Ethyl cyanide (Propanenitrile)₂

Ethyl cyanide (Propanenitrile) 107-12-0 0.24 360

P102

Propargyl alcohol₂Propargyl alcohol 107-19-7 (WETOX or CHOXD) fb CMBST
CARBN; or CMBST

P103

Selenourea₂

Selenium 7782-49-2 0.82 5.7 mg/l TCLP

P104

Silver cyanide₂Cyanides (Total)⁷ 57-12-5 1.2 590Cyanides (Amenable)⁷ 57-12-5 0.86 30

Silver 7440-22-4 0.43 0.14 mg/l TCLP

P105

Sodium azide₂Sodium azide 26628-22-8 CHOXD; CHRED; CHOXD; CHRED;
CARBN; BIODG; or CMBST
or CMBST

P106

Sodium cyanide₂Cyanides (Total)⁷ 57-12-5 1.2 590Cyanides (Amenable)⁷ 57-12-5 0.86 30

P108

Strychnine and salts₂

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Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109 Tetraethyldithio pyrophosphate, Tetraethyldithio pyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110 Tetraethyl lead, Lead	7439-92-1	0.69	0.75 mg/l TCLP
P111 Tetraethylpyrophosphate, Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112 Tetranitromethane, Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113 Thallic oxide, Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114 Thallium selenite, Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115 Thallium (I) sulfate,			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116 Thiosemicarbazide, Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118 Trichloromethanethiol,			

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Trichloromethane thiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119 Ammonium vanadate ₂			
Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120 Vanadium pentoxide ₂			
Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121 Zinc cyanide ₂			
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
P122 Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent ₂			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123 Toxaphene ₂			
Toxaphene	8001-35-2	0.0095	2.6
P127 Carbofuran ₂			
Carbofuran	1563-66-2	0.006	0.14
P128 Mexacarbate ₂			
Mexacarbate	315-18-4	0.056	1.4
P185 Tirpate ₂ ¹⁰			
Tirpate	26419-73-8	0.056	0.28
P188 Physostigimine salicylate ₂			
Physostigimine salicylate	57-64-7	0.056	1.4
P189 Carbosulfan ₂			
Carbosulfan	55285-14-8	0.028	1.4
P190			

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Metolcarb, Metolcarb P191	1129-41-5	0.056	1.4
Dimetilan, ¹⁰ Dimetilan P192	644-64-4	0.056	1.4
Isolan, ¹⁰ Isolan P194	119-38-0	0.056	1.4
Oxamyl, Oxamyl P196	23135-22-0	0.056	0.28
Manganese dimethyldithiocarbamates (total),			
Dithiocarbamates (total) P197	NA	0.028	28
Formparanate, ¹⁰ Formparanate P198	17702-57-7	0.056	1.4
Formetanate hydrochloride, Formetanate hydrochloride P199	23422-53-9	0.056	1.4
Methiocarb, Methiocarb P201	2032-65-7	0.056	1.4
Promecarb, Promecarb P202	2631-37-0	0.056	1.4
m-Cumenyl methylcarbamate,			
m-Cumenyl methylcarbamate P203	64-00-6	0.056	1.4
Aldicarb sulfone, Aldicarb sulfone P204	1646-88-4	0.056	0.28
Physostigmine, Physostigmine P205	57-47-6	0.056	1.4
Ziram, Dithiocarbamates (total)	NA	0.028	28

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U001				
Acetaldehyde,				
Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U002				
Acetone,				
Acetone	67-64-1	0.28		160
U003				
Acetonitrile,				
Acetonitrile	75-05-8	5.6		CMBST
Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA		38
U004				
Acetophenone,				
Acetophenone	98-86-2	0.010		9.7
U005				
2-Acetylaminofluorene,				
2-Acetylaminofluorene	53-96-3	0.059		140
U006				
Acetyl chloride,				
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U007				
Acrylamide,				
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U008				
Acrylic acid,				
Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U009				

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Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018 Benz(a)anthracene_			
Benz(a)anthracene	56-55-3	0.059	3.4
U019 Benzene_			
Benzene	71-43-2	0.14	10
U020 Benzenesulfonyl chloride_			
Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021 Benzidine_			
Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022 Benzo(a)pyrene_			
Benzo(a)pyrene	50-32-8	0.061	3.4
U023 Benzo trichloride_			
Benzo trichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U024 bis(2-Chloroethoxy)methane_			
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
U025 bis(2-Chloroethyl)ether_			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0

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U026				
Chlornaphazine ₂				
Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U027				
bis(2-Chloroisopropyl) ether ₂				
bis(2-Chloroisopropyl) ether	39638-32-9	0.055		7.2
U028				
bis(2-Ethylhexyl) phthalate ₂				
bis(2-Ethylhexyl) phthalate	117-81-7	0.28		28
U029				
Methyl bromide (Bromo methane) ₂				
Methyl bromide (Bromo- methane)	74-83-9	0.11		15
U030				
4-Bromophenyl phenyl ether ₂				
4-Bromophenyl phenyl ether	101-55-3	0.055		15
U031				
n-Butyl alcohol ₂				
n-Butyl alcohol	71-36-3	5.6		2.6
U032				
Calcium chromate ₂				
Chromium (Total)	7440-47-3	2.77		0.60 mg/l TCLP
U033				
Carbon oxyfluoride ₂				
Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U034				
Trichloroacetaldehyde (Chloral) ₂				

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Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U035 Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036 Chlordane	57-74-9	0.0033	0.26
Chlordane (α and χ isomers)			
U037 Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzene			
U038 Chlorobenzilate	510-15-6	0.10	CMBST
Chlorobenzilate			
U039 p-Chloro- m-cresol	59-50-7	0.018	14
p-Chloro- m-cresol			
U041 Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Epichlorohydrin (1-Chloro-2,3-epoxypropane)			
U042 2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
2-Chloroethyl vinyl ether			
U043 Vinyl chloride	75-01-4	0.27	6.0
Vinyl chloride			
U044 Chloroform	67-66-3	0.046	6.0
Chloroform			

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U045

Chloromethane (Methyl chloride),

Chloromethane (Methyl chloride)	74-87-3	0.19	30
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U046

Chloromethyl methyl ether,

Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U047

2-Chloronaphthalene,

2-Chloronaphthalene	91-58-7	0.055	5.6
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U048

2-Chlorophenol,

2-Chlorophenol	95-57-8	0.044	5.7
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U049

4-Chloro-o-toluidine hydrochloride,

4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U050

Chrysene,

Chrysene	218-01-9	0.059	3.4
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U051

Creosote,

Naphthalene	91-20-3	0.059	5.6
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Pentachlorophenol	87-86-5	0.089	7.4
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Phenanthrene	85-01-8	0.059	5.6
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Pyrene	129-00-0	0.067	8.2
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Toluene	108-88-3	0.080	10
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Xylenes- mixed isomers	1330-20-7	0.32	30
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(sum of o-, m-, and p-xylene concentrations)

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Lead U052 Cresols (Cresylic acid) ₂	7439-92-1	0.69	0.75 mg/l TCLP
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations) U053 Crotonaldehyde ₂ Crotonaldehyde	1319-77-3	0.88	11.2
U055 Cumene ₂ Cumene	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056 Cyclohexane ₂ Cyclohexane	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057 Cyclohexanone ₂ Cyclohexanone Cyclohexanone; alternate ⁶ standard for nonwastewaters only U058 Cyclophosphamide ₂	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
	108-94-1	0.36	CMBST
	108-94-1	NA	0.75 mg/l TCLP

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Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
U059			
Daunomycin ₂			
Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U060			
DDD ₂			
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
U061			
DDT ₂			
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
U062			
Diallate ₂			
Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U063			
Dibenz(a,h)anthracene ₂			
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064			
Dibenz(a,i)pyrene ₂			
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066			
1,2-Dibromo-3-chloropropane ₂			

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1,2-Dibromo-3-chloropropane U067 Ethylene dibromide (1,2-Dibromo ethane) ₂	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane) U068 Dibromomethane ₂	106-93-4	0.028	15
Dibromomethane U069 Di-n-butyl phthalate ₂	74-95-3	0.11	15
Di-n-butyl phthalate U070 o-Dichlorobenzene ₂	84-74-2	0.057	28
o-Dichlorobenzene U071 m-Dichlorobenzene ₂	95-50-1	0.088	6.0
m-Dichlorobenzene U072 p-Dichlorobenzene ₂	541-73-1	0.036	6.0
p-Dichlorobenzene U073 3,3'-Dichlorobenzidine ₂	106-46-7	0.090	6.0
3,3'-Dichlorobenzidine U074 1,4-Dichloro-2-butene ₂	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U075 Dichlorodifluoromethane_			
Dichlorodifluoromethane	75-71-8	0.23	7.2
U076 1,1-Dichloroethane_			
1,1-Dichloroethane	75-34-3	0.059	6.0
U077 1,2-Dichloroethane_			
1,2-Dichloroethane	107-06-2	0.21	6.0
U078 1,1-Dichloroethylene_			
1,1-Dichloroethylene	75-35-4	0.025	6.0
U079 1,2-Dichloroethylene_			
trans-1,2-Dichloroethylene	156-60-5	0.054	30
U080 Methylene chloride_			
Methylene chloride	75-09-2	0.089	30
U081 2,4-Dichlorophenol_			
2,4-Dichlorophenol	120-83-2	0.044	14
U082 2,6-Dichlorophenol_			
2,6-Dichlorophenol	87-65-0	0.044	14
U083 1,2-Dichloropropane_			
1,2-Dichloropropane	78-87-5	0.85	18
U084 1,3-Dichloropropylene_			

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cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
U085 1,2:3,4-Diepoxybutane,			
1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086 N,N'-Diethylhydrazine,			
N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087 O,O-Diethyl-S-methyldithiophosphate,			
O,O-Diethyl-S-methyldithio- phosphate	3288-58-2	CARBN; or CMBST	CMBST
U088 Diethyl phthalate,			
Diethyl phthalate	84-66-2	0.20	28
U089 Diethyl stilbestrol,			
Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090 Dihydrosafrole,			
Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091 3,3'-Dimethoxybenzidine,			

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3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092 Dimethylamine, Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093 p-Dimethylaminoazobenzene, p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094 7,12-Dimethylbenz(a)anthracene, 7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095 3,3'-Dimethylbenzidine, 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096 α , α -Dimethyl benzyl hydroperoxide, α , α -Dimethyl benzyl hydro- peroxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride, Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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U098

1,1-Dimethylhydrazine₂

1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U099

1,2-Dimethylhydrazine₂

1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U101

2,4-Dimethylphenol₂

2,4-Dimethylphenol	105-67-9	0.036	14
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U102

Dimethyl phthalate₂

Dimethyl phthalate	131-11-3	0.047	28
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U103

Dimethyl sulfate₂

Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U105

2,4-Dinitrotoluene₂

2,4-Dinitrotoluene	121-14-2	0.32	140
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U106

2,6-Dinitrotoluene₂

2,6-Dinitrotoluene	606-20-2	0.55	28
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U107

Di-n-octyl phthalate₂

Di-n-octyl phthalate	117-84-0	0.017	28
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U108

1,4-Dioxane₂

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate ⁶ standard for nonwastewaters only U109	123-91-1	12.0	170
1,2-Diphenylhydrazine, 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate ⁶ standard for wastewaters only U110	122-66-7	0.087	NA
Dipropylamine, Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111			
Di-n-propylnitrosamine, Di-n-propylnitrosamine	621-64-7	0.40	14
U112			
Ethyl acetate, Ethyl acetate	141-78-6	0.34	33
U113			
Ethyl acrylate, Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114			
Ethylene bisdithiocarbamic acid salts and esters, Ethylene bisdithiocarbamic acid salts and esters,			

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NOTICE OF ADOPTED AMENDMENTS

Ethylene bisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide, Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate ⁶ standard for wastewaters only U116	75-21-8	0.12	NA
Ethylene thiourea, Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117 Ethyl ether, Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate, Ethyl methacrylate	97-63-2	0.14	160
U119 Ethyl methane sulfonate, Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120 Fluoranthene, Fluoranthene	206-44-0	0.068	3.4
U121 Trichloro mono fluoromethane, Trichloro mono fluoromethane	75-69-4	0.020	30
U122 Formaldehyde,			

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Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123 Formic acid, Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124 Furan, Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125 Furfural, Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126 Glycidylaldehyde, Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127 Hexachlorobenzene, Hexachlorobenzene	118-74-1	0.055	10
U128 Hexachlorobutadiene, Hexachlorobutadiene	87-68-3	0.055	5.6
U129 Lindane, α -BHC	319-84-6	0.00014	0.066
β -BHC	319-85-7	0.00014	0.066
δ -BHC	319-86-8	0.023	0.066

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NOTICE OF ADOPTED AMENDMENTS

γ -BHC (Lindane) U130	58-89-9	0.0017	0.066
Hexachlorocyclopentadiene, Hexachlorocyclopentadiene U131	77-47-4	0.057	2.4
Hexachloroethane, Hexachloroethane U132	67-72-1	0.055	30
Hexachlorophene, Hexachlorophene U133	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Hydrazine, Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride, Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide, Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U136 Cacodylic acid, Arsenic U137	7440-38-2	1.4	5.0 mg/l TCLP
Indeno(1,2,3-c,d)pyrene, Indeno(1,2,3-c,d)pyrene U138	193-39-5	0.0055	3.4
Iodomethane, Iodomethane U140	74-88-4	0.19	65
Isobutyl alcohol, Isobutyl alcohol	78-83-1	5.6	170

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U141			
Isosafrole ₂			
Isosafrole	120-58-1	0.081	2.6
U142			
Kepone ₂			
Kepone	143-50-8	0.0011	0.13
U143			
Lasiocarpine ₂			
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144			
Lead acetate ₂			
Lead	7439-92-1	0.69	0.75 mg/l TCLP
U145			
Lead phosphate ₂			
Lead	7439-92-1	0.69	0.75 mg/l TCLP
U146			
Lead subacetate ₂			
Lead	7439-92-1	0.69	0.75 mg/l TCLP
U147			
Maleic anhydride ₂			
Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148			
Maleic hydrazide ₂			
Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149			
Malononitrile ₂			
Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150			

POLLUTION CONTROL BOARD

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Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151	U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.		
Mercury U151	7439-97-6	NA	RMERC
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.		
Mercury U151	7439-97-6	NA	0.20 mg/l TCLP
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.		
Mercury U151	7439-97-6	NA	0.025 mg/l TCLP
	All U151 (mercury) wastewater.		
Mercury U151	7439-97-6	0.15	NA
	Element <u>Elemental</u> Mercury Contaminated with Radioactive Materials.		
Mercury U152	7439-97-6	NA	AMLGM
Methacrylonitrile, Methacrylonitrile U153	126-98-7	0.24	84
Methanethiol, Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154 Methanol			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate ⁶ set of standards for both wastewaters and nonwastewaters U155	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene, Methapyrilene U156	91-80-5	0.081	1.5
Methyl chlorocarbonate, Methyl chlorocarbonate U157	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
3-Methylcholanthrene, 3-Methylcholanthrene U158	56-49-5	0.0055	15
4,4'-Methylene bis(2-chloroaniline), 4,4'-Methylene bis(2-chloro- aniline) U159	101-14-4	0.50	30
Methyl ethyl ketone, Methyl ethyl ketone U160	78-93-3	0.28	36
Methyl ethyl ketone peroxide, Methyl ethyl ketone peroxide U161	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
Methyl isobutyl ketone, Methyl isobutyl ketone U162	108-10-1	0.14	33

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methyl methacrylate, Methyl methacrylate U163	80-62-6	0.14	160
N-Methyl-N'-nitro-N-nitrosoguanidine, N-Methyl-N'-nitro-N-nitroso- guanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164 Methylthio uracil, Methylthio uracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165 Naphthalene, Naphthalene U166	91-20-3	0.059	5.6
1,4-Naphthoquinone, 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167 1-Naphthylamine, 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168 2-Naphthylamine, 2-Naphthylamine	91-59-8	0.52	CMBST
U169 Nitrobenzene, Nitrobenzene U170	98-95-3	0.068	14

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p-Nitrophenol ₂			
p-Nitrophenol U171	100-02-7	0.12	29
2-Nitropropane ₂			
2-Nitropropane U172	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
N-Nitrosodi-n-butylamine ₂			
N-Nitrosodi-n-butylamine U173	924-16-3	0.40	17
N-Nitrosodiethanolamine ₂			
N-Nitrosodiethanolamine U174	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
N-Nitrosodiethylamine ₂			
N-Nitrosodiethylamine U176	55-18-5	0.40	28
N-Nitroso-N-ethylurea ₂			
N-Nitroso-N-ethylurea U177	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
N-Nitroso-N-methylurea ₂			
N-Nitroso-N-methylurea U178	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
N-Nitroso-N-methylurethane ₂			

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N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179 N-Nitrosopiperidine ₂			
N-Nitrosopiperidine	100-75-4	0.013	35
U180 N-Nitrosopyrrolidine ₂			
N-Nitrosopyrrolidine	930-55-2	0.013	35
U181 5-Nitro-o-toluidine ₂			
5-Nitro-o-toluidine	99-55-8	0.32	28
U182 Paraldehyde ₂ Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183 Pentachlorobenzene ₂ Pentachlorobenzene	608-93-5	0.055	10
U184 Pentachloroethane ₂ Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate ⁶ standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185 Pentachloronitrobenzene ₂ Pentachloronitrobenzene	82-68-8	0.055	4.8
U186 1,3-Pentadiene ₂			

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NOTICE OF ADOPTED AMENDMENTS

1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187 Phenacetin ₂			
Phenacetin	62-44-2	0.081	16
U188 Phenol ₂			
Phenol	108-95-2	0.039	6.2
U189 Phosphorus sulfide ₂			
Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190 Phthalic anhydride ₂			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191 2-Picoline ₂			
2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192 Pronamide ₂			
Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone ₂			
1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

n-Propylamine ₂			
n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196			
Pyridine ₂			
Pyridine	110-86-1	0.014	16
U197			
p-Benzoquinone ₂			
p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200			
Reserpine ₂			
Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201			
Resorcinol			
Resorcinol ₂	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202			
Saccharin and salts ₂			
Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203			
Safrole ₂			
Safrole	94-59-7	0.081	22
U204			
Selenium dioxide ₂			

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Selenium U205	7782-49-2	0.82	5.7 mg/l TCLP
Selenium sulfide, Selenium U206	7782-49-2	0.82	5.7 mg/l TCLP
Streptozotocin, Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207 1,2,4,5-Tetrachlorobenzene, 1,2,4,5-Tetrachlorobenzene U208	95-94-3	0.055	14
1,1,1,2-Tetrachloroethane, 1,1,1,2-Tetrachloroethane U209	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane, 1,1,2,2-Tetrachloroethane U210	79-34-5	0.057	6.0
Tetrachloroethylene, Tetrachloroethylene U211	127-18-4	0.056	6.0
Carbon tetrachloride, Carbon tetrachloride U213	56-23-5	0.057	6.0
Tetrahydrofuran, Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214 Thallium (I) acetate, Thallium (measured in wastewaters only) U215	7440-28-0	1.4	RTHRM; or STABL

POLLUTION CONTROL BOARD

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Thallium (I) carbonate ₂			
Thallium (measured in wastewaters only) U216	7440-28-0	1.4	RTHRM; or STABL
Thallium (I) chloride ₂			
Thallium (measured in wastewaters only) U217	7440-28-0	1.4	RTHRM; or STABL
Thallium (I) nitrate ₂			
Thallium (measured in wastewaters only) U218	7440-28-0	1.4	RTHRM; or STABL
Thioacetamide ₂			
Thioacetamide U219	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Thiourea ₂			
Thiourea U220	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Toluene ₂			
Toluene U221	108-88-3	0.080	10
Toluenediamine ₂			
Toluenediamine U222	25376-45-8	CARBN; or CMBST	CMBST
o-Toluidine hydrochloride ₂			
o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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NOTICE OF ADOPTED AMENDMENTS

U223

Toluene diisocyanate₂

Toluene diisocyanate

26471-62-5

CARBN; or
CMBST

CMBST

U225

Bromo form (Tribromo methane)₂

Bromo form (Tribromo methane)

75-25-2

0.63

15

U226

1,1,1-Trichloroethane₂

1,1,1-Trichloroethane

71-55-6

0.054

6.0

U227

1,1,2-Trichloroethane₂

1,1,2-Trichloroethane

79-00-5

0.054

6.0

U228

Trichloroethylene₂

Trichloroethylene

79-01-6

0.054

6.0

U234

1,3,5-Trinitrobenzene₂

1,3,5-Trinitrobenzene

99-35-4

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U235

tris-(2,3-Dibromo propyl)-phosphate₂tris-(2,3-Dibromo propyl)-
phosphate

126-72-7

0.11

0.10

U236

Trypan Blue₂

Trypan Blue

72-57-1

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U237

Uracil mustard₂

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Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238 Urethane (Ethyl carbamate).			
Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239 Xylenes.			
Xylenes- mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
U240 2,4-D (2,4-Dichlorophenoxyacetic acid).			
2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	0.72	10
2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243 Hexachloropropylene.			
Hexachloropropylene	1888-71-7	0.035	30
U244 Thiram.			
Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide.			
Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247			

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Methoxychlor, Methoxychlor U248	72-43-5	0.25	0.18
Warfarin, & salts, when present at concentrations of 0.3 percent or less.			
Warfarin U249	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Zinc phosphide, Zn_3P_2 , when present at concentrations of 10 percent or less.			
Zinc Phosphide U271	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
Benomyl, Benomyl U278	17804-35-2	0.056	1.4
Bendiocarb, Bendiocarb U279	22781-23-3	0.056	1.4
Carbaryl, Carbaryl U280	63-25-2	0.006	0.14
Barban, Barban U328	101-27-9	0.056	1.4
o-Toluidine,			
o-Toluidine U353	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
p-Toluidine,			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359 2-Ethoxyethanol ₂			
2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364 Bendiocarb phenol ₁₀			
Bendiocarb phenol	22961-82-6	0.056	1.4
U367 Carbofuran phenol ₂			
Carbofuran phenol	1563-38-8	0.056	1.4
U372 Carbendazim ₂			
Carbendazim	10605-21-7	0.056	1.4
U373 Propham ₂			
Propham	122-42-9	0.056	1.4
U387 Prosulfocarb ₂			
Prosulfocarb	52888-80-9	0.042	1.4
U389 Triallate ₂			
Triallate	2303-17-5	0.042	1.4
U394 A2213 ₂ ¹⁰			
A2213	30558-43-1	0.042	1.4
U395 Diethylene glycol, dicarbamate ₂ ¹⁰			

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Diethylene glycol, dicarbamate U404	5952-26-1	0.056	1.4
Triethylamine, Triethylamine U409	101-44-8	0.081	1.5
Thiophanate- methyl,			
Thiophanate- methyl U410	23564-05-8	0.056	1.4
Thiodicarb, Thiodicarb U411	59669-26-0	0.019	1.4
Propoxur, Propoxur	114-26-1	0.056	1.4
Notes:			

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards," "fb" inserted between waste codes denotes "followed by," so that the first-listed treatment is followed by the second-listed treatment. ";" A semicolon (;) separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724, ~~Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725, ~~Subpart O~~ or based on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in ~~35 Ill. Adm. Code Section 728.140(d)~~. All concentration standards for nonwastewaters are based on analysis of grab samples.

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- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
- 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in “Test Methods for Evaluating Solid Waste, Physical or Chemical Methods,” USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)
- 9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
- 10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.
- 11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, ~~Subpart O~~, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725, ~~Subpart O~~.
- 12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in either of the following types of facilities:
 - d) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or
 - e) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-

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disposed are at pH=6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40-(2000) (2002), as amended at 65 Fed. Reg. 67127 (November 8, 2000) and 66 Fed. Reg. 58258 (November 20, 2001).

NA means not applicable.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.Table U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS ¹ No.	Wastewater Standard Concentration (in mg/l ²)	Nonwastewater Standard Concentration (in mg/kg ³ unless noted as "mg/l TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone ⁶	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Barban ⁶	101-27-9	0.056	1.4
Bendiocarb ⁶	22781-23-3	0.056	1.4
Benomyl ⁶	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4

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Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromo dichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate ⁶	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl ⁶	63-25-2	0.006	0.14
Carbenzadim ⁶	10605-21-7	0.056	1.4
Carbofuran ⁶	1563-66-2	0.006	0.14
Carbofuran phenol ⁶	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan ⁶	55285-14-8	0.028	1.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2

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Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methyl-carbamate ⁶	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h) anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromo ethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18

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cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazo benzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total) ⁶	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC ⁶	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15

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Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride ⁶	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachloro-dibenzo furan (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachloro-dibenzo furan (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb ⁶	2032-65-7	0.056	1.4
Methomyl ⁶	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36

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Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb ⁶	1129-41-5	0.056	1.4
Mexacarbate ⁶	315-18-4	0.056	1.4
Molinate ⁶	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005
Oxamyl ⁶	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors) ⁸	1336-36-3	0.10	10
Pebulate ⁶	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8

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Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine ⁶	57-47-6	0.056	1.4
Physostigmine salicylate ⁶	57-64-7	0.056	1.4
Promecarb ⁶	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham ⁶	122-42-9	0.056	1.4
Propoxur ⁶	114-26-1	0.056	1.4
Prosulfocarb ⁶	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb ⁶	59669-26-0	0.019	1.4
Thiophanate-methyl ⁶	23564-05-8	0.056	1.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate ⁶	2303-17-5	0.042	1.4
Tribromo methane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4

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2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine ⁶	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernolate ⁶	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁴	57-12-5	1.2	590
Cyanides (Amenable) ⁴	57-12-5	0.86	30
Fluoride ⁵	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium ⁷	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium ⁵	7440-62-2	4.3	1.6 mg/l TCLP
Zinc ⁵	7440-66-6	2.61	4.3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724, ~~Subpart O~~ or Subpart O of 35 Ill. Adm. Code 725, ~~Subpart O~~ or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 5 These constituents are not “underlying hazardous constituents” in characteristic wastes, according to the definition at Section 728.102(i).
- 6 This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the corresponding federal regulations.
- 7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.
- 8 This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a)-(2000) (2002), as amended at ~~65 Fed. Reg. 81381 (December 26, 2000)~~.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1380.270	Amendment
1380.280	Amendment
1380.310	Amendment
1380.325	New Section
- 4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325].
- 5) Effective Date of Amendments: July 16, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: December 27, 2002, at 26 Ill. Reg. 18197.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive differences; several technical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-92, effective January 1, 2000, is the sunset reauthorization of the Professional Engineering Practice Act of 1989. Among its changes was the addition of professional development (continuing education); these amendments implement this provision.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1380
THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section	
1380.210	Approved Engineering Program
1380.220	Definition of Degree in a Non-approved Engineering Program or a Related Science Curriculum
1380.230	Approved Experience
1380.240	Application for Enrollment as an Engineer Intern by Examination
1380.250	Application for Licensure as a Professional Engineer by Examination
1380.260	Examination
1380.270	Restoration
1380.275	Fees
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Professional Design Firm
1380.295	Seal Requirements
1380.296	Acts Constituting the Practice of Professional Engineering Pursuant to Section 4 of the Act
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances
<u>1380.325</u>	<u>Professional Development</u>
1380.APPENDIX A	Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448,

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effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516, effective September 3, 1998; amended at 24 Ill. Reg. 625, effective December 31, 1999; amended at 24 Ill. Reg. 13727, effective August 28, 2000; amended at 26 Ill. Reg. 4688, effective March 11, 2002; amended at 27 Ill. Reg. 13301, effective July 16, 2003.

Section 1380.270 Restoration

- a) A licensee seeking restoration of a license which has expired for 5 years or less shall have the license restored upon application to the Department and payment of the required fee specified in Section 1380.275 and proof of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for 5 years or less shall have his certificate restored upon application to the Department and payment of the current renewal fee specified in Section 1380.275 and proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application and the fee required by Section 1380.275. The licensee shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

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- 2) An affidavit attesting to military service as provided in Section 17 of the Act;
- 3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
 - B) Lawfully practicing professional engineering as an employee of a governmental agency;
 - C) Teaching professional engineering in a college or university or educational programs; or
 - D) Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17 of the Act will be required to pay only the current renewal fee.
- e) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to:
 - 1) provide such information as may be necessary; and/or
 - 2) explain such relevance or sufficiency during an oral interview; or
 - 3) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an applicant shall have his license restored or

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will be notified of the reason for the denial of such application for restoration.

- f) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 27 Ill. Reg. 13301, effective July 16, 2003)

Section 1380.280 Endorsement

- a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:
- 1) The required fee specified in Section 1380.275.
 - 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.
 - 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and
 - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
 - 4) A complete work history, on forms provided by the Department.

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- 5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.
- 6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certification of Verification from NCEES.
- 7) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction ~~after January 1, 1996~~, shall have the education evaluated, at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).
- 8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.
- 9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

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- 10) Acceptable Experience
 - A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:
 - i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
 - ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.
 - B) Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.
 - 11) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.
- b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.
 - c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
 - 1) Provide such information as may be necessary;

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- 2) Appear for an oral interview before the Board; and/or
- 3) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(7).
- d) The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 27 Ill. Reg. 13301, effective July 16, 2003)

Section 1380.310 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each odd numbered year. Beginning with the November 30, 2005 renewal and every renewal thereafter, a licensed professional engineer shall comply with the professional development hours specified in Section 1380.325 of this Part. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 1380.275.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 24 of the Act.

(Source: Amended at 27 Ill. Reg. 13301, effective July 16, 2003)

Section 1380.325 Professional Development

The professional development required as a condition for license renewal under the Professional

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Engineering Act of 1989 is set forth in this Section. All professional engineers shall meet these requirements.

a) Professional Development Hours Requirements

- 1) Beginning with the November 30, 2005 renewal and every renewal thereafter, in order to renew a license as a professional engineer, a licensee shall be required to complete 30 professional development hours (PDH) relevant to the practice of professional engineering. Failure to comply with these requirements may result in non-renewal of the professional engineer's license or other disciplinary action, or both.
- 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
- 3) One professional development hour shall equal 50 minutes of instruction or participation. If a program is taken that awards continuing education units (CEU) rather than professional development hours, one CEU equals 10 professional development hours of class in an approved continuing education course.
- 4) A renewal applicant shall not be required to comply with the professional development requirements for the first renewal of an Illinois license.
- 5) Professional engineers licensed in Illinois but residing and practicing in other states shall comply with the professional development requirements set forth in this Section.
- 6) Professional development units used to satisfy the professional development requirements of another jurisdiction may be applied to fulfill the professional development requirements of the State of Illinois if they are substantially equivalent.

b) Professional Development Activities shall include, but not be limited to:

- 1) Successful completion of a college or university course in the area of professional engineering, related sciences and engineering ethics. One semester hour completed shall equal 15 PDHs and one quarter hour shall equal 10 PDHs;
- 2) Successful completion of professional engineering courses or programs in

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which professional development hours are earned:

- 3) Active participation and successful completion of professional engineering programs, seminars, tutorials, workshops, short courses, on-line or in-house courses. Credit will be given for self study courses only if an examination has been completed by the licensee and graded by the sponsor;
 - 4) Attending program presentations at related technical or professional meetings;
 - 5) Teaching or instructing. Teaching credit is valid for teaching a course or seminar for the first time only. Two PDHs will be earned for every hour of teaching. This does not apply to faculty in the performance of their regularly assigned duties;
 - 6) Authoring papers or articles that appear in nationally circulated journals or trade magazines or presented to a professional society or organization. A maximum 10 PDHs per paper or presentation per renewal are allowed for this activity;
 - 7) Receiving a patent within the renewal period. Ten PDHs may be earned per patent;
 - 8) Active participation on a committee or holding an office in a professional or technical society. Two PDHs will be awarded per committee membership or office held. A maximum of 8 PDHs may be accepted per prerenewal period.
- c) All professional development programs, activities or courses shall:
- 1) Contribute to the advancement, extension or enhancement of the professional skills and/or scientific knowledge of the licensee in practice of professional engineering;
 - 2) Foster the enhancement of general or specialized practice and values of professional engineering, related sciences and engineering ethics;
 - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program.

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- d) It shall be the responsibility of a licensee to maintain a record of PDHs for 6 years that includes, but is not limited to, the following:
- 1) The name and address of the sponsor or provider, the number of hours attended in each program, the date and place of the program and a certificate of attendance; or
 - 2) A log of activities that includes the date and number of hours claiming as PDHs, a brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation; or
 - 3) Transcripts or records of professional development hours maintained by an acceptable provider as set forth in subsection (e).
- e) Acceptable providers for structured educational activities shall include, but not be limited to:
- 1) National Council of Examiners for Engineering and Surveying (NCEES);
 - 2) National Society of Professional Engineers (NSPE);
 - 3) Illinois Society of Professional Engineers (ISPE);
 - 4) Consulting Engineers Council of Illinois (CECI);
 - 5) Technical or professional societies or organizations relating to professional engineering, such as the American Society of Civil Engineers (ASCE);
 - 6) Colleges, universities or other educational institutions;
 - 7) Other technical or professional societies or organizations including manufacturers.
- f) The Department shall not pre-approve individual courses or programs.
- g) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the professional development requirements set forth in this Section.

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- 2) The Department may require additional evidence demonstrating compliance with the CE requirements as set forth in subsection (d). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- h) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with PDH requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1380.275.
- i) Waiver of PDH Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these PDH requirements shall file with the Department a renewal application along with the required fee set forth in Section 1380.275, a statement setting forth the facts concerning non-compliance and request for waiver of the PDH requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of PDH requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the PDH requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;

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- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
- D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 27 Ill. Reg. 13301, effective July 16, 2003)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 15, 2003 through July 21, 2003 and have been scheduled for review by the Committee at its August 12, 2003 meeting in Chicago. 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>
8/29/03	<u>Department of Professional Regulation, Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)</u>	4/11/03 27 Ill. reg. 6051	8/12/03
8/30/03	<u>Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)</u>	3/21/03 27 Ill. Reg. 4913	8/12/03
8/30/03	<u>Department of Public Health, Sheltered Care Facilities Code (77 Ill. Adm. Code 330)</u>	3/21/03 27 Ill. Reg. 4936	8/12/03
8/30/03	<u>Department of Public Health, Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)</u>	3/21/03 27 Ill. Reg. 4956	8/12/03
8/30/03	<u>Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)</u>	3/21/03 27 Ill. Reg. 4973	8/12/03
8/30/03	<u>Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)</u>	3/21/03 27 Ill. Reg. 4995	8/12/03
9/3/03	<u>Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)</u>	1/3/03 27 Ill. Reg. 73	8/12/03

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- a) Part (Heading and Code Citation): Long-Term Care Facilities Design and Construction Code (77 Ill. Adm. Code 320)
- 1) Rulemaking:
- A) Description: This new Part will establish requirements for design and construction in new and existing long-term care facilities. The rules will replace requirements that currently exist in 77 Ill. Adm. Code 300, 330, 350, and 390.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003, and November 12, 2003
- D) Date agency anticipates First Notice: December 2003
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
- F) Agency contact person for information:
- Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
- G) Related rulemakings and other pertinent information: The Department will be repealing portions of existing rules governing design and construction of long-term care facilities.
- b) Parts (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code), Sheltered Care Facilities Code (77 Ill. Adm. Code 330), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350), and Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390).
- 1) Rulemaking:

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- A) Description: The Department will be repealing the Sections of these rules that govern facility design and construction. Design and construction standards will be combined in a new Part.
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003, and November 12, 2003.
 - D) Date agency anticipates First Notice: December 2003
 - E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
 - F) Agency contact person for information:
 - Name: Peggy Snyder
 - Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
 - Telephone: 217/782-2043
 - G) Related rulemaking and other pertinent information: The Department will be proposing a new Part titled Long-Term Care Facility Design and Construction Code.
- c) Part (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- 1) Rulemaking:
 - A) Description: Section 300.1020 (Communicable Disease Policies) will be amended to delete requirements for infection control policies and procedures, which will be placed in a new Section. References to guidelines of the Center for Disease Control and Prevention will be updated.
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45].

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- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003.
 - D) Date agency anticipates First Notice: August 2003
 - E) Effect on small businesses, small municipalities, of not-for-profit corporations: The amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
 - F) Agency contact person for information:
 - Name: Peggy Snyder
 - Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
 - Telephone: 217/782-2043
 - G) Related rulemakings and other pertinent information: Similar changes will be made in Parts 330, 340, 350, and 390.
- d) Part (Heading and Code Citation): Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- 1) Rulemaking:
 - A) Description: A new Section on Infection Control will be added, which will include compliance with guidelines of the Centers for Disease Control and Prevention. The guidelines will also be included in Section 330.340 (Incorporated and Referenced Materials).
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45].
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003
 - D) Date agency anticipates First Notice: August 2003

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
 - F) Agency contact person for information:
 - Name: Peggy Snyder
 - Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
 - Telephone: 217/782-2043
 - G) Related rulemakings and other pertinent information: Similar changes will be made in Parts 300, 340, 350, and 390.
- e) Part (Heading and Code Citation): Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
- 1) Rulemaking:
 - A) Description: Section 340.1335 (Infection Control) will be amended to update references to guidelines of the Centers for Disease Control and Prevention.
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003
 - D) Date agency anticipates First Notice: August 2003
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses or not-for-profit corporations
 - F) Agency contact person for information:
 - Name: Peggy Snyder
 - Address: Division of Legal Services

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Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761

Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: Similar changes will be made in Parts 300, 330, 350 and 390.
- f) Part (Nursing and Code Citation): Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- 1) Rulemaking:
- A) Description: Section 350.1223 (Communicable Disease Policies) will be amended to delete requirements for infection control policies and procedures, which will be placed in a new Section. References to guidelines of the Centers for Disease Control and Prevention will be updated.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003
- D) Date agency anticipates First Notice: August 2003
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
- F) Agency contact person for information:
- Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043

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- G) Related rulemakings and other pertinent information: Similar changes will be made in Parts 300, 330, 340, and 390
- g) Part (Heading and Code Citation): Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- 1) Rulemaking:
- A) Description: Section 390.1020 (Medical Services) will be amended to delete requirements for communicable disease policies and infection control policies, which will be placed in new Sections. References to guidelines of the Centers for Disease Control and Prevention will be updated.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003
- D) Date agency anticipates First Notice: August 2003
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
- F) Agency contact person for information:
- Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
- G) Related rulemakings and other pertinent information: Similar changes will be made in Parts 300, 330, 340, and 350.
- h) Parts (Headings and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. 330), Illinois Veterans Homes Code (77 Ill. Adm. Code 340), Intermediate

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Care for the Developmentally Facilities Code (77 Ill. Adm. Code 350), and the Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

- 1) Rulemaking:
 - A) Description: These rules will be amended to add requirements concerning facility policies in the case of the death of a resident.
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003, or November 2003
 - D) Date agency anticipates First Notice: by December 2003
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect long-term care facilities that are small businesses or are operated by not-for-profit corporations.
 - F) Agency contact person for information:

Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
 - G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Health Care Worker Background Check Code (77 Ill. Adm. Code)
 - 1) Rulemaking
 - A) Description: This new Part will contain health care worker background check requirements, which are now in the rules for each type of facility or program regulated.

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- B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- C) Scheduled meeting/hearing dates: State Board of Health, Fall 2003
- D) Date agency anticipates First Notice: December 2003
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These rules will affect health care employers, as defined in the Health Care Worker Background Check Act, that are small businesses or are operated by not-for-profit corporations.
- F) Agency contact persons for information:
- Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
- G) Related rulemakings and other information: Sections implementing the Health Care Worker Background Check Act will be amended in each of the affected Parts to reference these new rules.
- j) Parts (Headings and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300), Sheltered Care Facilities Code (77 Ill. Adm. Code 330), Illinois Veterans' Homes Code (77 Ill. Adm. Code 340), Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350), Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390), Illinois Home Health Agency Code (77 Ill. Adm. Code 245), Hospital Licensing Requirements (77 Ill. Adm. Code 250), Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295), Freestanding Emergency Center Demonstration Program Code (77 Ill. Adm. Code 518), Postsurgical Recovery Care Center Demonstration Program Code (77 Ill. Adm. Code 210), Alzheimer's Disease Management Center Demonstration Program Code (77 Ill. Adm. Code 225), Community-Based Residential Rehabilitation Center Demonstration Program Code (77 Ill. Adm. Code 220), Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260), Subacute Care Hospital Demonstration Program Code (77 Ill. Adm. Code 270)

DEPARTMENT OF PUBLIC HEALTH

JULY 2003 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: These rules will be amended to replace substantive requirements for compliance with the Health Care Worker Background Check Act with a requirement for compliance with the Health Care Worker Background Check Code.
 - B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, November 2003; Hospital Licensing Board, Fall 2003; Home Health Advisory Committee, Fall 2003; Home Health Advisory Committee, Fall 2003; Assisted Living and Shared Housing Advisory Board, Fall 2003; State Board of Health, Fall 2003; State EMS Council, December 2003
 - D) Date agency anticipates First Notice: December 2003
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will affect health care facilities that are small businesses or are operated by not-for-profit corporations.
 - F) Agency contact person for information:

Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
 - G) Related rulemaking and other information: A new Part implementing the Health Care Worker Background Check Act will be proposed.
- k) Parts (Headings and Code Citations): Subacute Care Hospital Demonstration Program Code (77 Ill. Adm. Code 270), Hospital Licensing Requirements (77 Ill. Adm. Code 250), Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300).

DEPARTMENT OF PUBLIC HEALTH

JULY 2003 REGULATORY AGENDA

- 1) Rulemaking
 - A) Description: Parts 300 and 250 will be amended to include requirements for licensure of locations that hold themselves out to be a subacute facility or a subacute unit. Part 270 will be amended to allow facilities that are currently licensed under those rules to continue to be licensed.
 - B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3], Hospital Licensing Act [210 ILCS 85], and Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 23, 2003; Hospital Licensing Board, Fall 2003; State Board of Health
 - D) Date agency anticipates First Notice: Fall 2003
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: These rules will not affect small businesses, small municipalities, or not-for-profit corporations.
 - F) Agency contact person for information:
Name: Peggy Snyder
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
Telephone: 217/782-2043
 - G) Related rulemaking and other information: None

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF REVOCATION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of CMC Financial, License No. #5091 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 27, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended the license of Real Estate Financing Specialists, Inc., License No. #6095 of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 27, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended the license of Financial One, License No. #5283 of Greenview, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 27, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF REVOCATION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Greatstone Mortgage, License No. #5387 of Tampa, FL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 27, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF REVOCATION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of First Franklin Financial Corporation d/b/a Firststreet.com, License No. #5094 of Irvine, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 27, 2003.

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Thornburg Mortgage Home Loans, Inc., License No. #6199 of Santa Fe, New Mexico, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 30, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (h)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$10,000 against Greater Investment Mortgage Corporation, License No. #5897 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 10, 2003.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Illinois Athletic Trainers Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1160
- 3) Register citation of proposed or adopted rulemaking and other pertinent action:
Rulemaking adopted at 27 Ill. Reg. 9476, effective June 20, 2003
- 4) Explanation: When DPR adopted this rulemaking, it submitted to the Secretary of State correct hardcopy versions of both the amended text, for publication in the Illinois Register, and the adopted text for the Secretary of State's file. However, the disk provided to the Secretary inadvertently contained text that did not include all the 1st Notice Changes. As the Secretary used that disk in its preparation of the Register, the incorrect text was published. The following is Section 1160.65(b)(4) as it should have been published and as it appears on file:

Published as:

- 4) A licensee who has completed an Emergency Medical Technician training program for EMT-B, EMT-I or EMT-P certification in accordance with 77 Ill. Adm. Code 515 or who has taken continuing education for renewal of those certifications in accordance with 77 Ill. Code 515.590 may apply those hours toward meeting the continuing education hours set forth in this Section.

Should have been:

- 4) A licensee who has completed an Emergency Medical Technician training program for EMT-B, EMT-I or EMT-P certification in accordance with 77 Ill. Adm. Code 515 or who has taken continuing education for renewal of those certifications in accordance with 77 Ill. Code 515.590 may apply up to 10 hours toward meeting the continuing education hours set forth in this Section.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2003. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agricultural Producers and Products	Manufacturing Machinery & Equipment
Books and Records	Medical Appliances
C.O.A.D.	Miscellaneous
Computer Software	Nexus
Construction Contractors	Oil Field Equipment
Enterprise Zones	Pollution Control Facilities
Food	Replacement Vehicle Tax
Food, Drugs & Medical Appliances	Sale at Retail
Graphic Arts	Service Occupation Tax
Gross Receipts	Telecommunications Excise Tax
Interstate Commerce	Tobacco Products Tax Act
Local Taxes	Use Tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2003 SECOND QUARTER SUNSHINE REPORT

AGRICULTURAL PRODUCERS AND PRODUCTS

ST 03-0068-GIL 06/09/2003 Farm chemicals include chemical products used in production agriculture, the products of which are to be sold, or in the production or care of animals that are to be sold or the products of which are to be sold. See 86 Ill. Adm. Code 130.1955. (This is a GIL.)

BOOKS AND RECORDS

ST 03-0061-GIL 04/15/2003 Illinois sales tax rules provide that taxpayers may utilize electronic data interchange (EDI) as a method for record keeping if the EDI process contains the level of record detail, in combination with other records related to the transaction, that is equivalent to the level of detail contained in an acceptable paper record. See 86 Ill. Adm. Code 130.805. (This is a GIL.)

C.O.A.D.

ST 03-0060-GIL 04/14/2003 The quarter push game described in this letter could not be regulated as a coin-operated amusement device because it returned money to the player. See 35 ILCS 510/1. (This is a GIL.)

COMPUTER SOFTWARE

ST 03-0053-GIL 04/03/2003 Please note that sales of "canned" computer software are considered taxable retail sales in Illinois regardless of the manner of the transfer of that software (electronically for example). See the enclosed copy of 86 Ill. Adm. Code 130.1935. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 03-0069-GIL 06/17/2003 Under Illinois law, a person who takes tangible personal property off the market and converts it into real estate is deemed a construction contractor and is the legal end-user of the tangible personal

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

property personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ENTERPRISE ZONES

ST 03-0062-GIL This letter discusses several fact patterns related to the enterprise zone building materials exemption from sales tax. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 03-0071-GIL 06/17/2003 Effective January 1, 2002, a retailer is no longer required to be located in the municipality or county that created the enterprise zone into which the building materials are to be incorporated in order to take the deduction. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 03-0073-GIL 06/18/2003 This letter discusses the exemptions from telecommunications excise taxes and fees that businesses certified by the Department of Commerce and Economic Opportunity under 220 ILCS 5/9-222.1 are eligible for. (This is a GIL.)

FOOD

ST 03-0012-PLR 04/14/2003 86 Ill. Adm. Code 130.310 states that food prepared for immediate consumption means food made ready by the retailer to be eaten without substantial delay after the final stage of preparation by the retailer. (This is a PLR.)

ST 03-0063-GIL 04/07/2003 Food, drugs, medicines and medical appliances are not taxed at the normal rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

ST 03-0076-GIL 06/19/2003 A medicine or drug is “any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.” See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GRAPHIC ARTS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 03-0075-GIL 06/18/2003 This letter discusses the graphic arts exemption from sales tax. 86 Ill. Adm. Code 130.325. It also discusses the Service Occupation Tax. (This is a GIL.)

GROSS RECEIPTS

ST 03-0064-GIL 05/02/2003 Whether a particular tax is included in the selling price for computing Retailers' Occupation Tax, one must look at the statute or tax act to see upon whom the taxing government (whether federal, state or local) has placed the legal incidence of the tax. See 86 Ill. Adm. Code 130.435. (This is a GIL.)

INTERSTATE COMMERCE

ST 03-0055-GIL 04/03/2003 When a sale is conducted in which the seller is obligated, under the terms of an agreement with the purchaser, to make delivery of the property from a point in this State to a point outside this State, not to be returned to this State, provided that such delivery is actually made, the gross receipts are not subject to tax. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

LOCAL TAXES

ST 03-0009-PLR 04/14/2003 The imposition of the various sales tax related local taxes in Illinois are triggered when "selling" occurs in a jurisdiction imposing a tax. 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 03-0010-PLR 04/14/2003 The imposition of the various sales tax related local taxes in Illinois are triggered when "selling" occurs in a jurisdiction imposing a tax. 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 03-0011-PLR 04/14/2003 The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order or other contracting action in the making of the sales contract. See 86 Ill. Adm. Code 270.115. (This is a PLR.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 03-0016-PLR 06/02/2003 The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order. Consequently, if a purchase order is accepted in a jurisdiction that imposes a local tax, that tax will be incurred. See 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 03-0054-GIL 04/03/2003 The Metro-East Mass Transit District Use Tax is set forth in 70 ILCS 3610/5.01. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 03-0078-GIL 06/20/2003 The retreading of tires for wholesale or retail sale is generally considered manufacturing for purposes of the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.2015. (This is a GIL.)

ST 03-0079-GIL 06/20/2003 Machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax and Use Tax liability. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

ST 03-0056-GIL 04/07/2003 All gross receipts from sales of tangible personal property in Illinois are subject to Retailers' Occupation Tax unless an exemption is specifically provided. Medicines and medical appliances are not taxed at the normal rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

ST 03-0058-GIL 04/07/2003 This letter describes how the transfer of assets in a merger of two limited liability companies is not subject to either Retailers' Occupation Tax or Use Tax liability. See 805 ILCS 180/37-30. (This is a GIL.)

ST 03-0070-GIL 06/17/2003 Sales of discount cards, which enable purchasers to take advantage of exclusive discounts, are not considered sales of tangible

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

personal property. Sales of such cards represent sales of intangibles and are not subject to Retailers' Occupation Tax and Use Tax liability. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 03-0077-GIL 06/20/2003 This letter is in response to a request for copies of the business registration certificate of a discontinued business. (This is a GIL.)

NEXUS

ST 03-0074-GIL 06/18/2003 This letter is a follow up to letter (ST 02-0248-GIL) regarding sales tax and nexus issues. (This is a GIL.)

OIL FIELD EQUIPMENT

ST 03-0072-GIL 06/18/2003 Exemption certificates must be executed by the purchaser at the time of purchase to document the exemption for oil field exploration, drilling and production equipment. See 86 Ill. Adm. Code 130.345. (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 03-0052-GIL 04/03/2003 No items qualify for the Pollution Control Facilities exemption in and of themselves. No transactions are exempt on the basis of the pollution control exemption unless certifications are obtained as described in 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 03-0059-GIL 04/11/2003 No items qualify for the Pollution Control Facilities exemption in and of themselves. No transactions are exempt on the basis of the pollution control exemption unless certifications are obtained as described in 86 Ill. Adm. Code 130.335. (This is a GIL.)

REPLACEMENT VEHICLE TAX

ST 03-0013-PLR 04/14/2003 A replacement vehicle tax of \$200 is imposed on purchases of passenger cars by insurance companies to replace passenger cars of insured persons in settlement of total loss claims. See 625 ILCS 5/3-2001 et seq. (This is a PLR.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 03-0014-PLR 04/14/2003 A replacement vehicle tax of \$200 is imposed on purchases of passenger cars by insurance companies to replace passenger cars of insured persons in settlement of total loss claims. See 625 ILCS 5/3-2001 et seq. (This is a PLR.)

SALE AT RETAIL

ST 03-0066-GIL 06/02/2003 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in the business of selling at retail tangible personal property. 35 ILCS 120/2 (2000 State Bar Edition). (This is a GIL.)

SERVICE OCCUPATION TAX

ST 03-0057-GIL 04/07/2003 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 03-0065-GIL 05/02/2003 This letter describes the importance of the customer's service address for application of State and municipal telecommunications taxes. See 35 ILCS 630/2(n) and 35 ILCS 636/5-7. (This is a GIL.)

ST 03-0067-GIL 06/09/2003 Charges for radio broadcasts, including those provided from satellites, are similar to charges for cable television programming and are not generally subject to telecommunications tax liability in Illinois. See 86 Ill. Adm. Code 495. (This is a GIL.)

TOBACCO PRODUCTS TAX ACT

ST 03-0051-GIL 04/02/2003 This letter discusses whether escrow amounts paid for purposes of the Tobacco Product Manufacturers' Escrow Act, 30 ILCS 168/1 et seq. are included in the "whole sale" price upon which the Tobacco Products Tax is based. 35 ILCS 143/10-5. (This is a GIL.)

USE TAX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 03-0015-PLR 05/15/2003 The Use Tax is a privilege tax imposed on the privilege of using, in this State, any kind of tangible personal property that is purchased anywhere at retail from a retailer. See 86 Ill Adm. Code 150.101. (This is a PLR.)

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 27, Issue 31 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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